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MILEAGE RATIONING: GASOLINE REGULATIONS

RATION ORDER No. 5 C

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RATION ORDER NO. 5C

MILEAGE RATIONING: GASOLINE REGULATIONS

Preamble.—The Office of Price Administration has been directed by the Rubber Director to carry out the recommendations contained in the report of the President's Special Committee to Study the Rubber Situation.

The Committee stated: "We are faced with certainties as to demands: with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by 'bulling through' the present synthetic program and by safeguarding jealously every ounce of rubber in the country."

The recommendations of the Committee include:

"1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.

"2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles * * *

"3. Prompt and strict enforcement of a Nation-wide speed limit not exceeding thirty-five miles an hour * * *

"4. Compulsory periodic tire inspection."

This Ration Order No. 5C has been adopted pursuant to the direction of the Rubber Director to complement the Mileage Rationing: Tire Regulations (Ration Order No. 1A). Wear and destruction of tires now in use must be reduced by curtailing the national average automobile mileage to a maximum of 5,000 miles per year. To accomplish this purpose, the Committee recommended:

"That a new rationing system of gasoline be devised, based on this 5,000 miles a year to save tires.

"That the restrictions as to gasoline and mileage be national in their application."

The Committee said: "Gas rationing is the only way of saving rubber. Every way of avoiding this method was explored but it was found to be inescapable. This must be kept in mind: The limitation in the use of gasoline is not due to shortage of that commodity—it is wholly a measure of rubber saving. That is why the restriction is to be Nation-wide. Any localized measure would be unfair and futile."

The Mileage Rationing: Gasoline Regulations (Ration Order No. 5C) control the use and acquisition of gasoline as a means to conserve rubber and to maintain our transportation system. To safeguard against violation of the fundamental scheme, control is extended to gasoline generally, whether or not for motor vehicles.

Control over commercial motor vehicle mileage is shared jointly by the Office of Defense Transportation and the Office of Price Administration. The mileage to be driven by, and accordingly the amount of wear of tires used on, trucks, busses, taxis, and other like vehicles used for transporting property or available for hire or rental will be determined by the Office of Defense Transportation, and evidenced by Certificates of War Necessity setting forth the maximum mileage and gasoline gallonage allowed for the vehicles operated. On the basis of such Certificates, local War Price and Rationing Boards will issue Transport rations, filling the requirements of such vehicles up to the maximum fixed by the Certificate.

The Office of Price Administration, through its local War Price and Rationing Boards, will regulate the use and allowable mileage of passenger automobiles. All passenger automobiles, with certain exceptions, will receive a small, Basic, mileage allowance, in order, primarily, to prevent casting all persons normally using such facilities on to public transportation systems not equipped to handle tremendously increased loads. The private passenger automobile is, in this sense, an integral and indispensable part of the Nation's system of transportation.

Above this Basic ration, mileage will be allowed for occupational uses of the vehicle. But this supplemental allowance is strictly tailored in accordance with need. Moreover, carrying out the program of the Committee that essential driving be given first place, a maximum allowance of 470 miles per month is placed upon the occupational use of vehicles. The list of those users who may be allowed mileage above this maximum is limited to those who use their vehicles for purposes essential to the war effort or to the civilian economy.

Certain exceptional, non-occupational, necessary motor vehicle uses, such as the procuring of food and supplies, or medical care are recognized and Special rations are allowed for such purposes. Further,

since the desire for conservation of gasoline is not the chief factor motivating these Regulations, gasoline rations for purposes not involving wear of rubber tires are given virtually without restriction, to meet the demonstrated requirements of the user.

However, passenger car rations are not issued unless the applicant has disposed of all idle tires which he owns, so that they may be available to meet the present needs of others. No one should be permitted to withhold an idle tire from use when that tire may be necessary to avoid deprivation of another's transportation. There should be no tires which are not either in use, immediately available for use, or in process of being made usable.

Finally, in order more effectively to serve the end desired, the allowance of gasoline for motor vehicle use is made dependent, as is the issuance of tires, upon use of the vehicle in a manner best calculated to conserve its tires. Thus, periodic tire inspections, observance of a 35 mile per hour maximum speed limit, and avoidance of abuse and neglect of tires, are made prerequisite to continuance of any ration issued.

By these means and through control of the motive power of rubber-using vehicles, the vital rubber supply of this country will be utilized for purposes most essential to the public welfare, and will be made to last, if possible, beyond the period of critical shortage. There is, of course, no assurance that the rubber supply situation in the future will not require further curtailment and enforce conservation of tire use. To a great extent, this will depend upon whether the driving public will alter and restrict its driving habits, and conserve to the utmost extent the tires now in use. The Committee said:

"Let there be no doubt that only actual needs, not fancied wants, can, or should, be satisfied. To dissipate our stocks of rubber is to destroy one of our chief weapons of war. We have the choice!

"Discomfort or defeat. There is no middle course."

Accordingly, pursuant to the authority vested in me by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1—, issued October —, 1942,

It is hereby ordered, That:

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Authority: §§ 1394.7501 to 1394.8351, inclusive, issued pursuant to Pub. No. 671, 76th Cong., 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess., and by Pub. No. 507, 77th Cong., 2nd Sess., Pub. No. 421, 77th Cong., 2nd Sess., WPB Directive No. 1, issued January 24, 1942, Supp. Directive No. 1 -----, issued October --, 1942; Executive Order 9125, 7 F. R. 2719 issued April 7, 1942.

SCOPE OF RATION ORDER NO. 5C

SECTION 1394.7501 **Territorial Limitations.**—Except as otherwise expressly provided all of the provisions of Ration Order No. 5C shall apply to the entire area included within the continental limits of the United States.

SECTION 1394.7502 **Scope of Restrictions.**—Nothing in Ration Order No. 5C shall be construed to:

(a) Limit the quantity of gasoline which may be acquired by or for the account of the Army, Navy, Marine Corps, Coast Guard, War Shipping Administration, or Maritime Commission of the United States.

(b) Limit the quantity of gasoline which may be acquired by any person, for export to and consumption or use in any foreign country.

(c) Affect or apply to any transfer of gasoline between the agencies named in paragraph (a) hereof.

SECTION 1394.7503 **Effect of Ration Order No. 5C on Outstanding Rations.**—(a) Except as provided in paragraphs (b) and (c) of this section and Section 1394.8180 no provision of Ration Order No. 5C shall affect the validity or valid period of any ration issued pursuant to Ration Order No. 5A: *Provided*, That, after November 21, 1942, no ration issued pursuant to Ration Order No. 5A shall be renewed except pursuant to the provisions of Ration Order No. 5C.

(b) All rations represented by Class S coupons issued pursuant to Ration Order No. 5A, and all Service rations issued pursuant to Ration Order No. 5A whether represented by S coupons or bulk coupons, and rations issued pursuant to Ration Order No. 5A to lessees of vehicles and boats available for public rental shall expire at 12:01 a. m., November 22, 1942, and the coupons representing such rations shall be void, after November 21, 1942, and shall within five (5) days be surrendered to the issuing Board.

(c) No ration issued pursuant to Ration Order No. 5A may be used for a purpose prohibited by the provisions of Ration Order No. 5A or Ration Order No. 5C. All Rations issued pursuant to Ration Order No. 5A shall be subject to modification, revocation and redetermination pursuant to the provisions of Ration Order No. 5C.

SECTION 1394.7504 **Effect on Ration Order No. 1A.**—No allotment of gasoline issued pursuant to Ration Order No. 5C for use with a motor vehicle shall be construed to authorize such use where it would be in violation of Ration Order No. 1A or to remove or avoid any disqualification of such vehicle under Ration Order No. 1A which would otherwise result from such use.

DEFINITIONS

SECTION 1394.7551 **Definitions.**—(a) When used in Ration Order No. 5C:

(1) “Board” means a War Price and Rationing Board established by the Office of Price Administration, or a Plant Area Board or other Board established by the Office of Price Administration and designated by such Office to serve the workers in specified industrial or extractive establishments.

(2) “Bulk Coupon” means any gasoline ration coupon on the face of which the word “bulk” has been printed by authority of the Office of Price Administration.

(3) “Bulk Transfer” means any transfer of gasoline other than:
(i) into the fuel tank of a registered or commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates; or (ii) into the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(4) “Certificate of War Necessity” or “Certificate” means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 21.

(5) “Commercial motor vehicle” means (i) a straight truck; a combination truck-tractor and semi-trailer, a combination truck-tractor and full trailer, or a combination truck-tractor, semi-trailer and full trailer; or any other rubber-tired motor vehicle (other than a motorcycle) built (or rebuilt) primarily for the purpose of transporting property; and (ii) any of the following motor vehicles used in the transportation of persons upon the highways: any bus; any ambulance or hearse; any taxicab or jitney; any motor vehicle (other than a motorcycle) available for public rental; any station wagon or suburban carry-all available for hire or public rental; and any other motor vehicle other than a passenger automobile or motorcycle.

(6) “Consumer” means any person acquiring gasoline for use, including use as a component part of any manufactured article, material, or compound other than gasoline. The term includes dealers

and distributors to the extent that they use gasoline, or acquire gasoline for use rather than for transfer.

(7) "Dealer" means any person, except a distributor, who operates a service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business. The term also includes any person, other than a distributor, operating a tank truck or tank wagon for transfer of gasoline directly to consumers, who does not also maintain stationary gasoline storage tanks. All such persons shall be deemed to be dealers as to each such place of business.

(8) "Distributor" means an intermediate distributor, a licensed distributor, or both.

(9) "Equipment," when used in Sections 1394.7653 (c), 1394.7705 (d), 1394.7753, 1394.7755 (d), 1394.8009 (b) (c) and 1394.8172, means any conveyance, other than a motor vehicle, which is designed for and capable of operation on one or more wheels and any machinery in the operation of which wheels, with mounted tires, are used.

(10) "Evidence" means a token authorized by the Office of Price Administration to represent a right to receive a transfer of gasoline and exchangeable for such gasoline. The term shall include coupons, acknowledgments of delivery, inventory coupons, exchange certificates on Form OPA R-548 issued by a Board in return for other evidences received, and export certificates on Form OPA R-560.

(11) "Fleet," as applied to a passenger automobile or motorcycle, means that such vehicle is one of three or more passenger automobiles or three or more motorcycles owned or leased by and used by the same person or organization principally in connection with the same or related occupations, or, as applied to a commercial motor vehicle, that such vehicle is one of the three or more commercial vehicles owned or operated by the same person.

(12) "Gasoline" means any liquid fuel which is commonly or usually used for the propulsion of motor vehicles, aircraft, or motorboats by means of internal combustion engines, except liquid fuel with an octane rating of 86 or more, and except Diesel fuel, kerosene, benzene, benzol, and naphtha.

(13) "Inboard Motorboat" means any self-propelled water craft the motive power for which is furnished by a gasoline-operated internal combustion engine other than an outboard motor.

(14) "Intermediate Distributor" means any person, other than a licensed distributor, who is engaged in the business of transferring gasoline for resale.

(15) "Inventory Coupon" means a one-gallon or one-hundred-gallon coupon issued by a Board to represent unfilled storage capacity of a dealer or intermediate distributor, or for such other purpose as may be provided in Ration Order No. 5C.

(16) "Issuing Board" means the Board which issued a particular gasoline ration.

(17) "Licensed Distributor" means any person, including any refiner, manufacturer, blender, importer, bulk distributor, wholesaler, or consumer, who transfers, receives, or uses gasoline in such manner as to be required to account for the State motor fuel taxes imposed thereon directly to the motor fuel tax administration of a State. Any such person shall be deemed to be a licensed distributor in each State to which he is required to account for such State motor fuel taxes, but only in such States: *Provided*, That any place of business at which functions corresponding to those of a dealer or intermediate distributor are performed and which is operated by, or receives gasoline on consignment for purposes of sale from, a licensed distributor located in the same State in which such place of business is located shall be deemed to be a part of the facilities of such licensed distributor if:

(i) Title to gasoline delivered to such place of business remains in the licensed distributor until the time of transfer of such gasoline therefrom; and

(ii) State motor fuel taxes are paid by such licensed distributor either upon receipt of such gasoline by the licensed distributor, or upon transfers of gasoline made at such place of business rather than upon the delivery of gasoline thereto.

(18) "Limitation Area" means the entire eastern part of the continental United States up to and including all of the counties of Niagara, Erie, Wyoming, Livingston and Steuben in the State of New York; Tioga, Lycoming, Clinton, Centre, Blair, and Bedford in the State of Pennsylvania; Allégany in the State of Maryland; Mineral, Grant, and Pendleton in the State of West Virginia; Highland, Bath, Alleghany, Craig, Giles, Pulaski, Wythe, and Grayson in the State of Virginia; Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham and Cherokee in the State of North Carolina; Fannin, Murray, Whitfield, Catoosa, Dade, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Quitman, Clay, Early, Seminole, and Decatur in the State of Georgia; and Gadsden, Liberty and that part of Franklin which lies east of the Apalachicola River in the State of Florida: *Provided*, That if part of an incorporated or unincorpo-

rated city, town or village is located within the limitation area, all of such city, town or village shall be deemed to be within such area.

(19) "Motorcycle" means any motor vehicle designed for highway operation on three wheels or less, but does not include tractors.

(20) "Motorcycle tire" means any tire designed primarily for use on a motorcycle and in no event larger than 4.50-18.

(21) "Motor Vehicle" means any rubber-tired, self-propelled conveyance the motive power for which is furnished by an internal-combustion engine designed for operation by gasoline and which is built primarily for the purpose of transporting persons or property.

(22) "Motor Vehicle Dealer" means any person regularly engaged in the business of selling or reselling motor vehicles and includes persons engaged in selling repossessed motor vehicles.

(23) "Motor Vehicle Rental Agency" means any person engaged in the business of leasing motor vehicles to others.

(24) "Mounted," as applied to a tire, means that such tire is held for use on a motor vehicle or equipment, whether or not physically mounted but not in excess of one tire for each wheel and one spare for each motor vehicle.

(25) "Non-Highway Use" means any use of gasoline other than (i) for the propulsion of a registered motor vehicle, a commercial motor vehicle, a motor vehicle held by a motor vehicle dealer for sale or resale, a motor vehicle operated on dealer or other interchangeable license plates, or (ii) for the operation of machinery or equipment mounted on a commercial motor vehicle.

(26) "Occupation" means business; gainful work; or any work regularly performed by a person which contributes to the war effort or to the public welfare; and includes the pursuit of a regular and recognized course of study.

(27) "Occupational Mileage" means mileage driven by a person in carrying on an occupation or to and from a place where such occupation is carried on.

(28) "Official," as applied to a passenger automobile or motorcycle, means that such automobile or motorcycle is owned or leased by a Federal, State, local or foreign government or government agency, other than by the armed forces of the United States or the armed forces of a State organized pursuant to Section 61 of the National Defense Act, as amended.

(29) "Organized Transportation Plan" means a plan organized and administered by a joint management-labor committee, or some similar group or individual designated by agreement between or with the

consent of management and labor for the purpose of transporting, with a minimum use of tires, all workers who require automobiles for transportation to and from their work.

(30) "Passenger Automobile" means any motor vehicle, other than an ambulance, hearse, vehicle available for public rental, taxicab, jitney, or a motorcycle, which is built primarily for the purpose of transporting persons on the highways and has a rated seating capacity of seven (7) or less; and includes station wagons and suburban carry-alls, irrespective of seating capacity, which are not available for hire or public rental.

(31) "Passenger-type tire" means any tire designed primarily for use on a passenger automobile excluding motorcycle tires and tires located outside the continental United States.

(32) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(33) "Ration," as the context requires, means either a right to acquire and use gasoline which is evidenced by coupons issued by a Board on the basis of an application, or the amount of gasoline acquired in exchange for such coupons or both.

(34) "Ration Book" means any gasoline coupon book issued pursuant to Ration Order No. 5A or 5C.

(35) "Registered," as applied to a motor vehicle, means that such motor vehicle is duly licensed for general operation on public roads or highways by the appropriate agency of the Federal Government or by a State, territorial or foreign government.

(36) "Scrap," as applied to a tire, means incapable of being repaired for use.

(37) "Serial Number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(38) "State" includes the District of Columbia.

(39) "State Motor Fuel Tax Administration" means the commission, board, department, or officer having charge of receiving and auditing the reports of taxes levied by a State on the transfer, receipt or use of gasoline.

(40) "Transfer" means sell, give, exchange, lease, lend, deliver, supply or furnish, and includes the acquisition of title by will, inheritance, foreclosure, or legal process; it also includes the use by any dealer or distributor of any gasoline held by him; but does not include the creation of a security interest or security title involving no change of possession. Delivery to a carrier for shipment, or by

a carrier in completion of shipment, shall not be deemed to be a transfer to or by such carrier.

(41) "Transfer," as applied to a place of business, means any change from one person to another of the right to occupation of the premises, whether or not the transferor continues on the premises in another capacity. The term shall include, but not by way of limitation, a sale, lease, change in tenancy, inheritance, devise, eviction, foreclosure, or occupation by an executor, administrator, receiver, or trustee in bankruptcy, but not a mortgage or other security transfer unaccompanied by a change in the right to present possession.

(42) "Unit" means the value, in gallons of gasoline, assigned to a coupon contained in a ration book, by order or direction of the Office of Price Administration. Such order or direction may vary the value of a unit with respect to the class of the coupon, with respect to the type or quality of gasoline transferred, with respect to the type of motor vehicle or type of gasoline use for which such coupon is issued, or with respect to the area in which or time when the transfer of gasoline is made.

(43) "Vehicle Available for Public Rental" means any registered motor vehicle leased from or held for rental by a motor vehicle rental agency.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

ADMINISTRATION, PERSONNEL AND JURISDICTION

SECTION 1394.7601 **Personnel.**—(a) Ration Order No. 5C shall be administered by the Office of Price Administration through its War Price and Rationing Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 5C shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may, from time to time, delegate.

(b) The persons referred to in paragraph (a) of this section may be assisted in the issuance of Basic rations (as prescribed in Section 1394.7653) by the chief school officials of the several States, the city and county superintendents of schools, and by the persons who may be appointed to act as school site administrators and registrars. The school site administrators shall be appointed by the city or county school superintendents and the registrars shall be appointed

by the school site administrators. The persons mentioned in this paragraph shall be under the supervision of the persons mentioned in paragraph (a) of this section and of the persons who appointed them.

(c) No person participating in the administration of Ration Order No. 5C shall act officially in connection with any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SECTION 1394.7602 Jurisdiction of Boards over Issuance of Rations.—(a) For purposes of Ration Order No. 5C, a Board other than a Plant Area Board or other Board specially designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments, shall have jurisdiction over:

(1) The issuance of Basic rations: *Provided*, That during the period from November 9, 1942, to November 11, 1942, inclusive, such rations shall be issued only by registrars, in accordance with Section 1394.7653;

(2) The issuance of rations (other than Basic rations) for motor vehicles normally garaged or stationed in the area which the Board is designated to serve: *Provided*, That rations for fleet vehicles may, at the option of the applicant, be issued by the Board having jurisdiction over the area in which an office is maintained for directing the operations of such vehicles;

(3) The issuance of Non-Highway rations:

(i) For inboard motorboats, outboard motors or non-highway vehicles normally kept or stationed in the area which the Board is designated to serve;

(ii) For machinery or equipment located in the area which the Board is designated to serve;

(iii) For other non-highway use.

(4) The issuance of a ration to any person who shows good cause for failure to make application to the Board having jurisdiction pursuant to the provisions of paragraphs (1), (2) or (3) of this section; any person applying for a ration pursuant to this paragraph, for a registered or commercial motor vehicle, shall furnish the Board with the address of the place (if any) where such vehicle is normally garaged or stationed;

(5) The issuance of a ration for use with a motor vehicle, inboard motorboat, or outboard motor which is normally garaged, stationed or kept outside of the area included within the continental limits of the United States.

(b) For the purpose of Ration Order No. 5C, a Plant Area Board or other Board designated by the Office of Price Administration to serve

the workers in specified industrial or extractive establishments shall have jurisdiction over:

(1) The issuance of Basic, Supplemental, and Special rations for the motor vehicles of workers employed in the specified industrial or extractive establishments which such Board is designated to serve.

(i) No such Board shall have jurisdiction to issue any Basic Supplemental or Special ration for the motor vehicle of a worker employed in industrial or extractive establishments which it is designated to serve if such worker has made application, during the time he was so employed, for a ration for such vehicle under Ration Order No. 5C to the Board having jurisdiction over the area in which such vehicle is normally garaged or stationed: *Provided however*, That such Plant Area or other specially designated Board shall have jurisdiction to issue such ration if the applicant, since the time of making application to the Board having jurisdiction over the area in which his vehicle was normally garaged or stationed, has moved his residence and the place at which his vehicle is normally garaged or stationed to an area within the jurisdiction of another Board, and has not made application for such ration to such other Board.

(c) For the purposes of Ration Order No. 5C, no Board other than a Plant Area Board or other Board designated by the Office of Price Administration to serve the workers in specified industrial or extractive establishments shall have jurisdiction over the issuance of a Basic Supplemental or Special ration to an applicant employed at such industrial or extractive establishments if such applicant has made application for a Basic Supplemental or Special ration to a Plant Area Board or other Board designated to serve such industrial establishment unless the applicant since the time of making application to such Board has changed his place of employment and is no longer in the jurisdiction of such Board.

(d) No person shall be entitled to receive or to use a ration issued by a Board which does not have jurisdiction over the issuance thereof in accordance with this section.

SECTION 1394.7603 Action on Applications.—The Board shall render its decision on an application for a ration within ten (10) days after the date of submission of such application. In any case of apparent emergency, such decision shall be made within forty-eight (48) hours, if possible. The Board shall promptly notify the applicant of its decision.

SECTION 1394.7604 Records of Applications.—(a) All applications for Basic rations submitted at an application site referred to in Section 1394.7653 shall, when passed upon, be forwarded to the War

Price and Rationing Board having jurisdiction over the area in which such application site is located.

(b) Except as provided in paragraph (c) of this section, each Board shall maintain a file of all applications for gasoline rations passed upon by it or received by it from any other Board or from any application site.

(c) A Board, after passing upon an application for a ration for use with a motor vehicle, made before it pursuant to paragraph (a) (4) of Section 1394.7602, shall forward such application through the State Director to the Board having jurisdiction under paragraphs (a) (2) or (a) (3) of that section.

BASIC RATIONS

SECTION 1394.7651 Basic Rations.—A Basic ration may be obtained for use with a registered passenger automobile or a registered motorcycle during the period from November 22, 1942, or the date of issuance of the ration, whichever is later, to July 21, 1943, inclusive, except that no Basic ration shall be issued for use with a passenger automobile or motorcycle which is:

(a) Owned or leased by a Federal, State, local, or foreign government, or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale or resale.

SECTION 1394.7652 Basic Ration Books.—Class A coupon books, and Class D coupon books marked "Basic," shall be issued as Basic rations. Class A books shall be issued for passenger automobiles and Class D books for motorcycles. Subject to the provisions of Section 1394.7653 (d) each Class A and Class D ration book shall contain thirty-two (32) coupons. Each coupon contained in a Basic ration book shall have a value of one unit. Coupons contained in Class A books shall be valid for the transfer of gasoline to a consumer only during the periods indicated below.

<i>Coupons numbered</i>	<i>Valid period</i>
3-----	November 22, 1942 to January 21, 1943, inclusive.
4-----	January 22, 1943 to March 21, 1943, inclusive.
5-----	March 22, 1943 to May 21, 1943, inclusive.
6-----	May 22, 1943 to July 21, 1943, inclusive.

Coupons in Basic Class D books shall be valid for the transfer of gasoline to a consumer at any time prior to July 22, 1943.

SECTION 1394.7653 Application for and Issuance of Basic Rations.—(a) Application for a Basic ration book shall be made on

Form OPA R-534. During the period from November 9, 1942, to November 11, 1942, inclusive, application shall be made at any application site designated by the Office of Price Administration. After November 11, application shall be made to a Board: *Provided*, That, except for good cause shown for failure to apply at an application site, application may not be made to a Board prior to November 25, 1942. A separate application shall be made for each passenger automobile or motorcycle for which a Basic ration is sought.

(b) The application must be signed by the registered owner of the vehicle for which a ration is sought and may not be signed by an agent: *Provided*, That the Board may accept an application signed by a duly authorized agent of the registered owner if the applicant for whom the agent is acting is physically unable to sign or is outside the jurisdiction of the Board with which application is filed.

(c) Each applicant for a Basic ration shall state:

(1) The serial number of all tires mounted (including one spare) on the vehicle for which application is made; and

(2) The number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) which are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) Pursuant to such application, a Basic ration shall be issued during the period from November 9, 1942, to November 11, 1942, inclusive, by any registrar appointed under paragraph (a) or (b) of Section 1394.7601. After November 11, a Basic ration shall be issued by a Board. The Board shall remove from any Class A book issued subsequent to November 22, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the *valid period* during which such book is issued. In the case of a Basic D book issued after November 22, 1942, one coupon shall be removed for each full eight days which have elapsed since November 22, 1942.

(e) No Basic ration shall be issued by a registrar or a Board unless the applicant has certified in the application that no passenger-type tires required to be reported in such application pursuant to paragraph (c) (2) of this section are owned by the registered owner of the vehicle or by any person living in his household and related to him by blood, marriage or adoption. No person shall be entitled to a

Basic ration if, at the time of issuance, the registered owner of the vehicle or any person living in his household and related to him by blood, marriage or adoption owns tires required to be reported in an application pursuant to paragraph (c) (2) of this section.

(f) No more than one Basic ration may be issued for a vehicle, except as provided in Section 1394.8007 and 1394.8103, and no person shall be entitled to more than one Basic ration for the same vehicle, during the period from July 22, 1942, to July 21, 1943: *Provided*, That any person who has surrendered a Basic ration to a Board by reason of having ceased to use the motor vehicle for which the ration was issued, or by reason of having removed such motor vehicle from the limitation area prior to November 22, 1942, may apply to a Board for reissuance thereof. Application for reissuance shall be made on Part A of Form OPA R-534, and the applicant shall attach thereto a certification in which he shall set forth the date and place of issuance of the ration surrendered, together with the date and place of surrender thereof, the reason therefor, and the number of unused coupons remaining in the book at the time of surrender. In the event that the Board is satisfied that the applicant surrendered such ration in good faith the Board shall issue a Basic ration book to the applicant pursuant to the provisions of Section 1394.7653: *Provided*, That no coupon book reissued pursuant to the provisions of this paragraph shall contain coupons in excess of the number of coupons contained in the coupon book surrendered.

(g) Notwithstanding any other provision of Ration Order No. 5C, the period of time during which Basic rations may be issued at application sites referred to in Section 1394.7653 may be extended by the Office of Price Administration, its War Price and Rationing Boards or such other administrative personnel as it may select.

SUPPLEMENTAL RATIONS

SECTION 1394.7701 **Supplemental Rations.**—(a) The following coupon books may be issued by a Board as Supplemental rations to the owner or person entitled to the use of a registered passenger automobile or registered motorcycle (other than those specified in Section 1394.7702), to provide for occupational mileage driven in such vehicle by anyone, to the extent that such mileage is allowed by the Board pursuant to Section 1394.7704:

(1) Class B or Class C coupon books for use with passenger automobiles.

(2) Class D coupon books marked "Supplemental" for use with motorcycles.

(b) When issued as a Supplemental ration, Class B books shall contain sixteen (16) coupons, and Class C and D books shall contain the number of coupons, specified in the tables set forth in Section 1394.7705, necessary to provide the mileage allowed by the Board. Each coupon in a Class B, Class C or Supplemental Class D book shall have a value of one unit. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only for the period ascertained pursuant to Section 1394.7705. Class C and Supplemental Class D rations and books issued pursuant to Ration Order No. 5C shall be valid for a period of three months commencing on November 22, 1942, or on the date of issuance, whichever is later.

(c) Applicants for Supplemental rations are deemed to have available 150 miles per month of occupational driving by using the Basic ration to which they are entitled; and Supplemental rations may be issued to provide only occupational mileage allowed by a Board in excess of 150 miles per month. However, no deduction for such 150 miles shall be made by the applicant in stating his required occupational mileage or by the Board in allowing occupational mileage, since a deduction of 150 miles from the total mileage allowed by the Board is automatically made when the Board applies the tables set forth in Section 1394.7705 pursuant to which Supplemental rations are to be issued.

SECTION 1394.7702 Passenger Automobiles or Motorcycles for which Supplemental Rations may not be Issued.—No Supplemental rations may be obtained or shall be issued for use with a passenger automobile or motorcycle for which no Basic ration has been issued or which is:

(a) Owned or leased by a Federal, State, local or foreign government or government agency; or

(b) Part of a fleet of passenger automobiles or motorcycles; or

(c) Held by a motor vehicle dealer for sale or resale.

SECTION 1394.7703 Application for Supplemental Ration.—(a) Application for a Supplemental ration may be made to a Board on or after November 12, 1942, on Form OPA R-535, by the owner or a person entitled to the use of a registered passenger automobile or registered motorcycle. A separate application shall be made for each vehicle. Application on behalf of an individual may not be signed by an agent.

(b) An applicant shall establish the average monthly occupational mileage driven within the continental United States and required for

each of the following purposes, for the three-month period beginning with the date on which such ration is required:

(1) Driving between home and a fixed place of work in connection with the principal occupation of the applicant or principal user of the vehicle;

(2) Driving in the course of such principal occupation;

(3) Driving to and from or in the course of any other occupation or occupations for which the vehicle is used.

(c) In the event that two or more passenger automobiles for which Supplemental rations are desired, are owned by persons living in the same household and related to each other by blood, marriage, or adoption, all applications for Supplemental rations for such vehicles shall, except for good cause shown, be submitted at the same time to the same Board. Where two or more vehicles are used in a ride-sharing arrangement of the type described in paragraph (a) of Section 1394.7704, a separate application for a Supplemental ration shall be made for each such vehicle. Each such application shall include only the mileage driven in the vehicle for which it is made and, if such vehicles are all within the jurisdiction of one Board, all such applications must be submitted to it at the same time. If such vehicles are within the jurisdiction of different Boards, each application must be accompanied by duplicate copies of the applications for other vehicles used in such ride-sharing arrangement, and such duplicate copies shall show, if possible, the action taken by the respective Boards on the originals thereof.

SECTION 1394.7704 Allowance of Mileage.—(a) Except as provided in paragraph (c) of this section occupational mileage shall be allowed by a Board for a purpose specified in paragraph (b) of Section 1394.7703 if the applicant establishes, in connection with the use of the vehicle for that purpose, either:

(1) That a *bona fide* ride-sharing arrangement has been made pursuant to which at least four persons (including the operator) will regularly be carried in the vehicle for the purpose of going to and from or carrying on their occupations and that transportation is needed for such purpose: *Provided*, That each person must certify to his participation in the ride-sharing arrangement by signing the application; or

(2) That no such ride-sharing arrangement could reasonably be made but that the vehicle carries as many persons as could reasonably be expected in the light of the circumstances in which and the purpose for which it is used; that transportation is needed for such purpose; and that no alternative means of transportation are available which would be reasonably adequate for such purpose.

(i) An applicant may establish that four or more persons cannot regularly be carried in the vehicle for which application is made by showing: the limited capacity of the vehicle; the necessity of traveling at unusual or irregular hours; the necessity of traveling over routes not feasible for other persons who might be carried; or such other reasons as the Board may find sufficient.

(ii) An applicant may establish the lack of reasonably adequate alternative means of transportation by showing the unavailability of other public or private means of transportation; or by showing that such alternative means, if available, are inadequate by reason of location, schedules or overcrowded conditions, by reason of physical disability of the person needing transportation, by reason of the nature of the work for which transportation is needed, or for such other reasons as the Board may find sufficient.

(3) In the event the applicant or principal user is employed at a power generation or transmission facility, public utility, transportation or communication facility, or agricultural, extractive, industrial, military or naval establishment at which more than one hundred (100) persons are employed, the application, if made for a ration to be used for transporting such applicant or principal user to and from such place of employment, must be certified as indicated thereon by an official in charge of an Organized Transportation Plan at such establishment.

(4) In the event application is made for a Supplemental ration in order to permit the use of the vehicle for which application is made in the pursuit of an occupation other than a gainful occupation, the application must be certified, as indicated thereon, by a responsible official of the organization, if any, for or under the direction of which the work is performed.

(b) Upon the basis of the application and such other facts as the Board may require, the Board shall allow mileage for driving within the continental United States for any of the purposes listed in paragraph (b) of Section 1394.7703 for which applicant has applied, with respect to which the applicant has established the facts required by paragraph (a) hereof. The Board shall allow only that portion of the claimed mileage (in the absence of a ride-sharing arrangement) with respect to which the applicant has established the inadequacy of alternative means of transportation (in accordance with paragraph (a) (2) (ii) of this section). The Board shall then determine the total occupational mileage per month required by the applicant and allowed by it for the three-months' period specified in paragraph (b) of Section 1394.7703 and shall issue a Supplemental ration, in accordance with the provisions of Section 1394.7705, to provide such mileage:

Provided, That the Board may not allow an average of more than 470 miles per month for any occupational mileage other than preferred mileage as defined in Section 1394.7706. The Board may allow an average mileage in excess of 470 miles per month only if such excess consists of such preferred mileage.

(c) A Board having jurisdiction over an area which is adequately served by subway, elevated railroad, or railroad commutation service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant establishes that the use of such subway, elevated railroad, or railroad commutation service would not be reasonably adequate for the purpose for which such mileage is claimed.

(d) The Board shall deduct from the mileage it allows for a passenger automobile, in accordance with paragraph (b) above, 150 miles per month for each additional passenger automobile (other than a fleet passenger automobile) owned by the applicant or by any person living in his household and related to him by blood, marriage or adoption, if the Board finds that such automobile is available to and adequate for the use of the applicant for the purpose for which the Supplemental ration is sought. No such automobile shall be deemed available to the applicant if it is used, to a substantial extent, for an occupational purpose of another person; nor shall such automobile be deemed available to the applicant during the effective period of a Supplemental ration issued to another person whose mileage allowance was reduced on account of such automobile.

SECTION 1394.7705 Issuance of Supplemental Rations.—(a) Supplemental rations shall be issued to provide the total mileage allowed by the Board in accordance with Section 1394.7704.

(1) In the case of a passenger automobile, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: one Class B book having the valid period specified in Table I for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of Section 1394.7704 exceeds 470 miles per month: one or more Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table II for the mileage allowed.

(2) In the case of a motorcycle: one or more Class D books (to be marked "Supplemental") bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table I, if the mileage

allowed is 470 miles per month or less, or specified in Table II, if the mileage allowed is in excess of 470 miles per month.

TABLE I*

DETERMINATION OF DURATION AND AMOUNT OF SUPPLEMENTAL RATION

For vehicles with an allowed mileage of more than 150 but not more than 470 miles per month

Passenger automobiles			Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Supplemental "D" book
	(Months)	(Weeks)		
0-150.....	(No "B" book).....		0-150.....	(No Supplemental "D" book)
151-230.....	12	-----	151-170.....	1
231-246.....	10	-----	171-190.....	2
247-270.....	8	-----	191-210.....	3
271-287.....	7	-----	211-230.....	4
288-310.....	6	-----	231-250.....	5
311-324.....	5	2	251-270.....	6
325-342.....	5	-----	271-290.....	7
343-363.....	4	2	291-310.....	8
364-390.....	4	-----	311-330.....	9
391-406.....	3	3	331-350.....	10
407-424.....	3	2	351-370.....	11
425-445.....	3	1	371-390.....	12
446-470.....	3	-----	391-410.....	13
			411-430.....	14
			431-450.....	15
			451-470.....	16

*(To be used only for vehicles entitled to Basic rations)

TABLE II.*—Passenger Automobiles or Motorcycles

DETERMINATION OF AMOUNT OF SUPPLEMENTAL RATION

For vehicles with an allowed mileage of more than 470 miles per month

Number of Coupons (Class "C" or Supplemental Class "D" Book)		Number of Coupons (Class "C" or Supplemental Class "D" Book)	
Allowed mileage. (All in excess of 470 miles per month must be preferred mileage):		Allowed mileage. (All in excess of 470 miles per month must be preferred mileage)—Continued.	
471-490.....	17	791-810.....	33
491-510.....	18	811-830.....	34
511-530.....	19	831-850.....	35
531-550.....	20	851-870.....	36
551-570.....	21	871-890.....	37
571-590.....	22	891-910.....	38
591-610.....	23	911-930.....	39
611-630.....	24	931-950.....	40
631-650.....	25	951-970.....	41
651-670.....	26	971-990.....	42
671-690.....	27	991-1,010.....	43
691-710.....	28	1,011-1,030.....	44
711-730.....	29	1,031-1,050.....	45
731-750.....	30	1,051-1,070.....	46
751-770.....	31	1,071-1,090.....	47
771-790.....	32	1,091-1,110.....	48

*(To be used only for vehicles entitled to Basic rations)

(In the event allowed mileage exceeds 1,110 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 1,110 miles. Additional books may be issued if necessary to provide additional coupons.)

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued hereunder.

(c) For the purpose of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No Supplemental ration shall be issued by a Board unless the applicant certifies that the registered owner, or his agent, has certified that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of such owner and related to him by blood, marriage or adoption, other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall be entitled to a Supplemental ration if, at the time of issuance, the registered owner or any person living in his household and related to him by blood, marriage or adoption owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised, or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

SECTION 1394.7706 Preferred Mileage.—The mileage driven in a passenger automobile or motorcycle by the owner or a person entitled to the use thereof, necessary for carrying out one or more of the following purposes, shall be deemed preferred mileage:

(a) By a duly elected or appointed agent, officer, representative or employee of a Federal, State, local or foreign government or government agency, for performing the official business or carrying out an official function of such government or government agency; or by a duly authorized official, employee, agent, or representative of the American Red Cross, for performing the official business of the American Red Cross, either in a passenger automobile or motorcycle owned or leased by the American Red Cross, or in a passenger automobile or motorcycle not owned or leased by the American Red Cross if compensation is paid by the American Red Cross for the performance of such business and for the use of such passenger automobile or motorcycle: *Provided, That:*

(1) No Board (unless otherwise instructed by the Office of Price Administration) shall allow preferred mileage to any agent, representative or employee of a Federal, State, local or foreign government or government agency (other than mileage to be driven in an official or

fleet vehicle) unless the application for such ration has been certified by an officer of such government or government agency empowered to authorize or to supervise travel by such officer, representative or employee; *Provided*, That a Board may allow preferred mileage without requiring such a certification if it has received from a duly authorized official of such government or government agency a list approved by the Office of Price Administration, showing (i) those official duties and functions which cannot effectively be performed or carried on without travel by automobile or motorcycle, and (ii) the minimum number of miles of driving which are required therefor. A Board shall allow no preferred mileage, on the basis of any such list, for the performance of any official duty or function not provided on such list, nor to an extent greater than the minimum number of miles which are indicated as being essential to the performance of any such function.

(2) Daily or periodic travel between home or lodgings and a fixed place of work shall not (except as provided in subparagraph (3) and (4) hereof) be deemed performance of official business or carrying out an official function.

(3) Travel by duly elected members of federal or state legislative bodies:

(i) between their places of residence and the city or town of legislative session, or within such city or town and within their respective legislative districts in connection with their functions as legislators, except daily or periodic travel between home or lodgings and a fixed place of work; or

(ii) elsewhere in pursuit of legislative business, shall be deemed the carrying out of an official function.

(4) Travel by a member of a War Price and Rationing Board between home or lodgings and a place at which such Board conducts its business, or compensated travel by a person engaged in the administration of the Selective Service System whose services are not otherwise compensated between home or lodgings and the place at which the business of the Selective Service System is conducted, shall be deemed performance of official business.

(b) By a school teacher or school official for the performance of school duties which require regular travel to more than one recognized educational institution.

(c) By a person for regularly transporting four or more pupils, students, teachers, or school employees to or from regular places of study, provided that alternative means of transportation are not adequate.

(d) For the transportation of mail on behalf of the United States Government.

(e) For delivery, other than delivery to the reader, of newspapers (not including magazines).

(f) For the transportation of nonportable equipment used in making newsreels for dissemination of information to the public, by a person regularly engaged in such activity.

(g) By a physician, surgeon, dentist, osteopath, chiropractor, or midwife, for making necessary professional calls outside his office if he regularly makes such calls or for travel between offices maintained by him, but only if the applicant is licensed as such by the appropriate governmental authority.

(h) By a farm veterinary for rendering professional services at agricultural establishments, but only if the applicant is licensed by the appropriate governmental authority and regularly renders such professional services.

(i) By a medical interne, student of an accredited medical school or a public health nurse (but not including a private nurse) employed by or serving under the direction of a clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls.

(j) By an embalmer for rendering necessary services in connection with the preparation for interment of deceased persons, but only if the applicant is licensed as such by the appropriate governmental authority.

(k) By a practicing minister of any religious faith who regularly serves a congregation, to enable him to meet the religious needs of the locality which he regularly serves, but not to go from home to place of worship; or by a practicing minister who regularly serves more than one congregation, to enable him to travel to the churches which he serves.

(l) By a religious practitioner, other than a minister, who is duly authorized by an organized religious faith to render services of a religious nature to members of such faith, for rendering such services to such members in the locality which he regularly serves but not for travel from home to place of worship.

(m) By a farmer for transportation of farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm.

(n) By a person, including an employer, employers' organization, or labor organization, for the transportation of farm workers, com-

mercial fishermen, seamen, or marine workers between their homes or lodgings and to, from or between their places of employment.

(o) By a worker, including an executive, technician or office worker (but excluding a person while engaged in promotional, merchandising, sales, landscaping or decorating activities, wholesale or retail delivery, and a member of the armed forces of the United States or military forces organized pursuant to Section 61 of the National Defense Act, as amended), for necessary travel to, from, within or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishments or facilities.

(1) Naval, military or hospital establishments or facilities;

(2) Establishments or facilities of common carriers; or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or of irrigation, drainage, flood control or sanitation systems; or of telephone, telegraph, radio or communication systems;

(3) Industrial, extractive or agricultural establishments essential to the war effort, including: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, or necessary part thereof; or of any raw, semi-processed or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery or appliances essential to the manufacture or use thereof; or of munitions or fuel; or of essential medical supplies or essential food or clothing.

(p) By an authorized agent of government or of management or labor, for transportation to, from, within or between the establishments or facilities listed in paragraph (o) hereof, in order to maintain peaceful industrial relations therein or to recruit or train workers listed in paragraph (n) or (o) of this section.

(q) By an engineer, architect, technician, construction worker, repair or maintenance man who requires the use of a passenger automobile or motorcycle for performing, or for transporting materials or equipment necessary to perform, construction work; or by any of the above described persons who require the use of a passenger automobile or motorcycle to travel from one place to another (but not from home or lodgings to a fixed place of work) for performing, or for transporting materials or equipment necessary to perform, any of the following services: highway maintenance or repair, or structural or mechanical installation, maintenance or re-

pair, the extermination of vermin, or the exploration, discovery or exploitation of natural resources for the purpose of obtaining necessary war materials; or by a person who requires the use of a passenger automobile or motorcycle to travel from place to place (but not from home or lodgings to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in paragraph (o) hereof: *Provided*, That preferred mileage may not be allowed pursuant to this paragraph to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices, or of portable household equipment or furniture, or for landscaping.

(r) By members of the armed forces of the United States, or State military forces organized pursuant to Section 61 of the National Defense Act, as amended, for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business where no military vehicle is available: *Provided*, That:

(1) The applicant must present to the Board a statement from his commanding officer which sets forth the following:

(i) The mileage sought is for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business;

(ii) No adequate quarters can be provided for the applicant at his post of duty or that the applicant's duties require frequent travel on official business;

(iii) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and,

(iv) The commanding officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

(s) In a motorcycle, for delivery or messenger service; or in a passenger automobile, for the delivery of telegrams by a person regularly engaged in that business.

(t) By a person regularly engaged in the business of dealing in scrap materials for locating and accumulating scrap metals, or other scrap materials essential to the war effort: *Provided*, That no preferred mileage shall be allowed under this paragraph unless the appli-

cant presents to the Board a certification by the Regional Salvage Manager of the War Production Board, or the District Chief of the appropriate section of the Conservation Division of the War Production Board, that travel by the applicant for such purpose is essential to the war effort.

OFFICIAL AND FLEET RATIONS (FOR OFFICIAL AND FLEET PASSENGER AUTOMOBILES AND MOTORCYCLES)

SECTION 1394.7751 Official and Fleet Rations for Passenger Automobiles and Motorcycles.—(a) The following coupon books and coupons, for use with registered passenger automobiles and registered motorcycles which are owned or leased by a Federal, State, local or foreign government or government agency (other than by the armed forces of the United States or by State military forces organized pursuant to Section 61 of the National Defense Act, as amended) or which are part of a fleet shall be issued by a Board as rations to persons entitled to receive them under the provisions of Section 1394.7752 to provide for occupational mileage to the extent that such mileage is allowed by a Board in accordance with Section 1394.7754:

(1) Class B or Class C coupon books for use with passenger automobiles;

(2) Class D coupon books marked "Official" or "Fleet" for use with motorcycles;

(3) Bulk coupons issued pursuant to paragraph (b) of Section 1394.8006.

(b) When issued as an Official or Fleet Ration, Class B books shall contain sixteen (16) coupons and Class C and D books shall contain the number of coupons specified in the Tables set forth in Section 1394.7755, necessary to provide the mileage allowed by the Board. Coupons contained in such books shall authorize the transfer of gasoline to consumers only during the valid period of such books noted thereon by the Board. Class B rations and books shall be valid only during the period ascertained pursuant to Section 1394.7755. Class C and Official or Fleet Class D rations and books shall be valid during a period of three months commencing on the date of issuance or November 22, 1942, whichever is later.

SECTION 1394.7752 Persons Entitled to Official and Fleet Rations.—(a) Subject to the provisions of paragraph (b) hereof, the

owner or the person entitled to the use of an official motor vehicle may obtain an "Official" ration and the owner or the person entitled to the use of a registered passenger automobile or a registered motorcycle (other than an official motor vehicle) which is a part of a fleet may obtain a "Fleet" ration, providing for occupational mileage to the extent that such mileage is allowed by a Board in accordance with Section 1394.7754.

(b) Such Official or Fleet ration shall not be issued and may not be obtained for use with a passenger automobile or motorcycle which is held by a motor vehicle dealer for sale or resale.

SECTION 1394.7753 Application for Official and Fleet Rations.— Application for Official and Fleet rations shall be made to a Board on or after November 12, 1942, on Form OPA R-551. An application may cover one or more vehicles and may be signed by an agent. An applicant shall establish the average monthly occupational mileage within the continental United States required for each vehicle covered in the application or required for each of a group of vehicles used interchangeably for carrying on the same or a related occupation or occupations during the three-month period beginning with the date on which the ration is required. Each application for an Official or Fleet ration shall contain a certification by the owner or by a responsible representative of the owner as to (a) the serial numbers of the tires mounted on each vehicle for which application is made, and (b) except in the case of an application for an Official ration, the number and serial number of passenger-type tires (excluding motorcycle tires but including scrap tires) owned by the registered owner of the vehicles in excess of those mounted (including one spare per motor vehicle) on motor vehicles or equipment other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board.

SECTION 1394.7754 Allowance of Mileage.—(a) No occupational mileage shall be allowed by a Board unless the applicant establishes in connection with such mileage, either:

(1) That transportation is needed for such occupational purposes, and that no alternative means of transportation are available which would be reasonably adequate within the meaning of Section 1394.7704; or

(2) That a *bona fide* ride-sharing arrangement has been made in connection with the use of the vehicle or vehicles for such purposes, pursuant to which at least four persons (including the driver) will regularly be carried in the vehicle in connection with their occupations,

and that transportation is required for such purposes: *Provided*, That the names and addresses of all persons (other than the drivers of the vehicles) participating in the ride-sharing arrangement shall be set forth on separate sheets and attached to the application: *Provided further*, That a Board having jurisdiction over an area which is adequately served by subway, elevated railroad or railroad commutation service shall allow mileage claimed with respect to which a ride-sharing arrangement has been made only if the applicant also establishes that the use of such subway, elevated railroad or railroad commutation service would not be reasonably adequate for the purpose for which such mileage is claimed.

(b) Subject to the provisions of paragraph (a) of this section, the Board shall allow the total average occupational mileage per month determined by it to be required for driving within the continental United States, during the three-month period specified in Section 1394.7753, and shall issue a ration in accordance with the provisions of Section 1394.7755 to provide such mileage: *Provided*, That the Board may not allow an average of more than 470 miles per month for any vehicle nor an average of more than 470 miles per month per vehicle for any group of vehicles, for any occupational mileage other than preferred mileage as defined in Section 1394.7706.

SECTION 1394.7755 Issuance of Official and Fleet Rations.—(a) Official and Fleet rations shall be issued to provide the total mileage allowed by the Board in accordance with Section 1394.7754.

(1) In the case of passenger automobiles, the Board shall issue:

(i) In the event that the mileage allowed by the Board is 470 miles per month or less: Class B books having the valid period specified in Table III for the mileage allowed;

(ii) In the event that the mileage allowed by the Board pursuant to paragraph (b) of Section 1394.7754 exceeds 470 miles per month: Class C books bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table IV for the mileage allowed;

(2) In the case of motorcycles: Class D books (to be marked "Fleet" if issued for use with a fleet motorcycle and "Official" if issued for use with an official motorcycle) bearing expiration dates three months from the date of issuance or November 22, 1942, whichever is later, and containing the number of coupons specified in Table III, if the mileage allowed is 470 miles per month or less, or specified in Table IV, if the mileage allowed is in excess of 470 miles per month

TABLE III*

DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

For vehicles with an allowed mileage of not more than 470 miles per month

Passenger automobiles			Motorcycles	
Allowed mileage	Valid period of "B" book, in months and weeks		Allowed mileage	Number of coupons to be issued in Official or Fleet Class "D" book
	(Months)	(Weeks)		
0-80.....	12		0-20.....	1
81-108.....	9		21-40.....	2
107-137.....	7		41-60.....	3
138-160.....	6		61-80.....	4
161-174.....	5	2	81-100.....	5
175-192.....	5		101-120.....	6
193-213.....	4	2	121-140.....	7
214-240.....	4		141-160.....	8
241-256.....	3	3	161-180.....	9
257-275.....	3	2	181-200.....	10
276-295.....	3	1	201-220.....	11
296-320.....	3		221-240.....	12
321-349.....	2	3	241-260.....	13
350-384.....	2	2	261-280.....	14
385-426.....	2	1	281-300.....	15
427-470.....	2		301-320.....	16
			321-340.....	17
			341-360.....	18
			361-380.....	19
			381-400.....	20
			401-420.....	21
			421-440.....	22
			441-460.....	23
			461-470.....	24

*(To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to Basic rations.)

TABLE IV.*—Passenger automobiles or motorcycles

DETERMINATION OF AMOUNT OF OFFICIAL OR FLEET RATION

For vehicles with an allowed mileage of more than 470 miles per month

Allowed mileage	Number of coupons in Official or Fleet Class "C" or "D" book or books	Allowed mileage	Number of coupons in Official or Fleet Class "C" or "D" book or books
471-500.....	25	721-740.....	37
501-520.....	26	741-760.....	38
521-540.....	27	761-780.....	39
541-560.....	28	781-800.....	40
561-580.....	29	801-820.....	41
581-600.....	30	821-840.....	42
601-620.....	31	841-860.....	43
621-640.....	32	861-880.....	44
641-660.....	33	881-900.....	45
661-680.....	34	901-920.....	46
681-700.....	35	921-940.....	47
701-720.....	36	941-960.....	48

*(To be used only for official or fleet passenger automobiles and motorcycles and other specified passenger automobiles and motorcycles not entitled to Basic rations.)

(In the event allowed mileage exceeds 960 miles, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 960 miles. Additional books may be issued if necessary to provide additional coupons.)

(b) The Board shall remove and cancel all coupons in Class C or Class D books in excess of the number to be issued hereunder. If the applicant has requested that bulk coupons be issued to him, the Board shall issue such bulk coupons in lieu of coupons in books, in accordance with the procedure set forth in paragraphs (a) and (b) of Section 1394.8006.

(c) For the purposes of paragraph (a) of this section, a passenger automobile is conclusively presumed to operate 15 miles, and a motorcycle 40 miles, per gallon of gasoline.

(d) No fleet ration shall be issued by a Board unless the registered owner of the vehicle or vehicles for which such ration is required or his responsible agent, has certified in the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. No person shall be entitled to a Fleet ration if, at the time of issuance, the registered owner of the vehicles for which the ration is sought owns passenger-type tires (excluding motorcycle tires but including scrap tires) other than tires reported on OPA Form R-17 or R-17 Revised or reported by a manufacturer to the War Production Board or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

SECTION 1394.7756 Interchangeable Official or Fleet Ration Books.—An applicant for an Official or a Fleet ration may request the Board to note on the ration books issued, the name or other identification of the official vehicles or the fleet, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any official or fleet vehicles which are used interchangeably and which bear a clearly discernible official or fleet name, identification or designation. Any book on which such an identification is noted may be used, interchangeably, for all official or fleet vehicles bearing such identification.

SECTION 1394.7757 Issuance of Rations for use with Vehicles Operated on Dealer Plates.—(a) Notwithstanding any other provision of Ration Order No. 5C a ration may be issued by a Board to provide solely for the occupational mileage (other than for demonstration purposes) to be driven in an unregistered passenger automobile or motorcycle regularly operated on dealer or other interchangeable license plates if the operation of such vehicle on such plates is permissible under the law of the state issuing the plates.

(b) Such ration shall be issued in the same manner as Fleet ration under the conditions provided in Section 1394.7754 and 1394.7755 (a), (b), (c) and (d) and application for such ration shall be made to a Board on Form OPA R-551: *Provided*, That the certification therein contained as to ownership of tires by the registered owner of the vehicle shall be revised to constitute a certification as to tires owned by the owner of the vehicle. The applicant shall annex to the application a written statement showing the Federal Use Tax Stamp number and the engine number of such vehicle.

(c) If the Board finds the facts stated on the application to be true, it shall determine the allowed mileage for such vehicle in accordance with the provisions of Section 1394.7754, and shall issue a ration in accordance with Section 1394.7755 (a), (b) and (c). The Board issuing the ration book shall, at the time of issuance, make a clear notation of the Use Tax Stamp number on the cover of such book and, in the space provided for the license number, shall insert the engine number of such vehicle and the words "dealer plates". The Board shall note on the cover of the book the name and address of the person to whom the book is issued and shall note on the book and on the application the date on which the book becomes valid and the date on which it expires.

TRANSPORT RATIONS

SECTION 1394.7801 Transport Rations.—(a) Subject to the provisions of Section 1394.7802, Transport rations shall be issued by a Board to permit the acquisition of gasoline required for the propulsion of registered and unregistered commercial motor vehicles and motor vehicles owned or leased by the military or naval forces of the United States or State military forces organized pursuant to Section 61 of the National Defense Act, as amended. Except as otherwise provided in Sections 1394.7802 and 1394.7805, Transport rations shall be issued for use during fixed calendar quarterly periods of three months, the first of which shall commence on January 1, 1943.

SECTION 1394.7802 Persons Entitled to Transport Rations.—Subject to the provisions of Section 1394.7805, the owner or the person entitled to the use of a commercial motor vehicle for which a Certificate of War Necessity has been issued may obtain a Transport ration authorizing the acquisition of the maximum number of gallons of gasoline allowed for the operation of such vehicle for the quarterly period during which the ration is to be used, as set forth in such Certificate. The owner or the person entitled to the use of a motor vehicle but which is owned or leased by the military or naval forces of the

United States or the State military forces organized pursuant to Section 61 of the National Defense Act, as amended, may obtain a Transport ration authorizing the acquisition of the number of gallons of gasoline required for the operation of such vehicle during the quarterly period for which the ration is to be used.

SECTION 1394.7803 **Transport Ration Books.**—(a) Class T-1 and Class T-2 coupon books and, in the case of motorcycles owned or leased by the armed forces, Class D books marked "Transport" shall be issued as Transport rations. Coupons in Class T-1 and T-2 book shall each have a value of one unit.

(b) Coupons contained in a Transport ration book shall authorize the transfer of gasoline to a consumer only during the period noted thereon by the Board.

SECTION 1394.7804 **Application for Transport Rations.**—(a) Application for a Transport ration may be made to a Board, on and after November 12, 1942, on Form OPA R-536. Application may be made by the owner or person entitled to the use of the vehicle, or by the authorized agent of either of them. A single application may be used for each fleet of vehicles or each group of fleet vehicles for which the applicant seeks a Transport ration. A separate application must be used for each vehicle which is not a part of a fleet.

(b) In the event application is made for a Transport ration for use with a commercial motor vehicle for which a Certificate of War Necessity has been issued, the application shall be accompanied by the Single Unit Certificate issued for the vehicle or, in the case of a fleet of commercial vehicles, by the Fleet Certificate issued for such fleet. If the applicant requires, during the period, less than the maximum number of gallons of gasoline allowed by such Certificate for the vehicles covered by the application, the applicant shall state the amount of gasoline required by him.

(c) In the event application is made for a Transport ration for use with a motor vehicle owned or leased by the military or naval forces of the United States or State military forces organized pursuant to Section 61 of the National Defense Act, as amended, the application shall state the number of gallons of gasoline required during the quarterly period for which the ration is sought for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought: *Provided*, That in the case of a ration for use prior to January 1, 1943 the application shall state the number of gallons of gasoline required for all operations of the vehicle, or in the case of a fleet, for all of the vehicles for which a ration is sought,

during the period between the date on which the ration is required or November 22, 1942, whichever is later, and April 1, 1943.

SECTION 1394.7805 Issuance of Transport Rations.—(a) Except as provided in paragraph (c) of this section, no Transport ration shall be issued unless the applicant has presented to the Board, at the time of application, a currently valid Single Unit Certificate or, in the case of a fleet, a Fleet Certificate issued for the fleet for which a ration is sought. Except as provided in Section 1394.7806, no Transport ration may be issued which will allow the applicant to acquire gasoline in excess of the maximum allowed by such Certificate for the quarterly period for which the ration is sought and no Transport ration shall be issued more than thirty (30) days prior to the beginning of the quarterly period during which it is to be used: *Provided*, That Transport rations issued for use prior to January 1, 1943, shall not allow an amount of gasoline (other than gasoline allowed pursuant to Section 1394.7806) in excess of the maximum number of gallons of gasoline allowed by the Certificate for the remaining portion of the year 1942 and the first quarter of 1943.

(b) The Board shall examine the Single Unit Certificate or the Fleet Certificate submitted and shall insert at the appropriate place provided in the application the maximum number of gallons of gasoline allowed by such Certificate for the period for which the ration is sought. The Board shall allow the maximum number of gallons of gasoline set forth in the Certificate for the period or periods for which the ration is sought, or the quantity of gasoline required by the applicant during such period as stated in the application, whichever is less. The Board shall issue Class T-1 or T-2 books or bulk coupons in sufficient number to provide the number of gallons of gasoline allowed by it.

(c) In the event application is made for a ration for use with a motor vehicle which is owned or leased by the military or naval forces of the United States or State military forces organized pursuant to Section 61 of the National Defense Act, as amended, the Board shall not require the presentation of a Certificate of War Necessity and shall issue Class T-1 or T-2 books or, in the case of motorcycles, D books marked "Transport" containing coupons in sufficient number to provide the number of gallons of gasoline required for the fixed quarterly period during which the ration is to be used, or, in the case of a ration to be used prior to January 1, 1943, the Board shall issue books containing coupons in sufficient number to provide the number of gallons of gasoline requested for the operation of the vehicle during the period between the date on which the ration is

required or November 22, 1942, whichever is later, and April 1, 1943.

(d) The Board shall, when issuing Class T-1, T-2 or D books as Transport rations, remove and cancel all coupons in excess of the number required to supply the gallonage allowed. The Board shall note on the face of the books the date of issuance or November 22, 1942, whichever is later, and the date of expiration of such books. At the time of issuance of any Transport ration for use with a vehicle for which a Certificate of War Necessity is required to be presented, the Board shall note on the face of the Single Unit Certificate the Board number, the period for which the ration is issued, the serial number of the ration book or books and the initials of the person issuing such books. In the case of a Fleet Certificate the Board shall note on the reverse side thereof the same information and shall also note the total gallonage for which coupons are issued, and the name or number and address of the issuing Board. If the applicant has requested that bulk coupons be issued to him, and if the applicant meets the requirements of paragraph (a) of Section 1394.8006, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested.

(e) No Transport ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used with any vehicle which does not comply with the orders of the Office of Defense Transportation, nor with any vehicles on which the tires have not been inspected and approved in accordance with any applicable rule, regulation, or order of the Office of Defense Transportation, or of the Office of Price Administration.

SECTION 1394.7806 Transport Ration for Equipment Mounted on Commercial Motor Vehicles.—Notwithstanding any other provisions of Ration Order No. 5C, the applicant for a ration for use with a commercial motor vehicle upon which is mounted and permanently attached machinery or equipment which is operated by gasoline supplied from a fuel tank other than the fuel supply tank of the motor vehicle may set forth in his application for a Transport ration for such vehicle the amount of gasoline needed for the operation of such machinery or equipment during the period for which the Transport ration is sought. The Board shall ascertain and allow the amount of gasoline needed for such purpose during such period and shall include in the Transport ration issued for such vehicle a sufficient number of coupons to provide gasoline to operate such machinery or equipment during such period.

SECTION 1394.7807 Interchangeable Transport Ration Books.—An applicant for a Transport ration for use with fleet vehicles

may request the Board to note, on the ration books issued, a clearly discernible name or other identification of the fleet or, if the vehicles bear no clearly discernible name or identification, the serial number of the Fleet Certificate issued for such vehicles, in lieu of the registration number of a particular vehicle. The Board may grant such request with respect to any vehicles in the fleet which are used interchangeably and which bear a clearly discernible fleet name, identification or designation or, in the absence of such designation, with respect to any vehicles for which a Fleet Certificate has been issued. Any book on which a fleet identification or Fleet Certificate number is noted may be used interchangeably for all vehicles in the fleet bearing such identification or covered by such Fleet Certificate.

SECTION 1394.7808 Temporary Transport Rations.—(a) Any person requiring gasoline for the operation of a commercial motor vehicle who has made application for a Certificate of War Necessity but who has received no notice of any action thereon may apply between November 15, 1942, and December 31, 1942, inclusive, for a Temporary Transport ration pursuant to the provisions of paragraph (b) of this section, and no Certificate of War Necessity shall be required to be presented in connection therewith.

(b) An application for a Temporary Transport ration may be made, in duplicate, to any Board during the period from November 15, 1942, to December 31, 1942, inclusive. Such application shall be made on Form OPA R-536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle from the date the ration is required to December 31, 1942, inclusive, and shall specify the address of the Local Allocation Office of the Office of Defense Transportation with which the application for a Certificate of War Necessity has been filed, the date on which such application was filed, and the address of the Board with which his application pursuant to Section 1394.7804 is to be filed. The applicant shall also state that no ration pursuant to Section 1394.7805 has been issued, and that he has received no notice of any action on his application for a Certificate of War Necessity for the vehicle or vehicles for which a ration is sought. The word "temporary" shall be clearly noted on the application.

(c) The Board shall determine the number of gallons of gasoline required during such period for the operation of such motor vehicle. The Board shall then issue "T-1" or "T-2" books containing coupons in sufficient number to provide the gallonage needed. Such books shall expire at 12:01 A. M. on January 1, 1943.

(d) In the event that the Board issuing the temporary ration is not the Board with which the application for a Transport ration pursuant to Section 1394.7804 is to be filed, it shall return to the applicant the duplicate of such temporary application with its notations endorsed thereon. The applicant shall forthwith forward such duplicate to the Board with which the application pursuant to Section 1394.7804 is to be filed. The original of such temporary application shall be transmitted to such Board by the issuing Board.

(e) No Transport Ration may be issued under Section 1394.7805, for use prior to January 1, 1943, to any person obtaining a ration pursuant to this section: *Provided*, That if the Certificate of War Necessity for the vehicle for which such ration was issued allows gallonage for the period ending December 31, 1942, greater than the quantity allowed by the Temporary Transport ration issued for such period, a further Transport ration may be issued representing such difference.

SPECIAL RATIONS

SECTION 1394.7851 **Application for Special Ration.**—(a) The owner or person entitled to the use of a motor vehicle, or of a boat or outboard motor who finds that transportation in such vehicle, or boat, is necessary for one or more of the purposes specified in paragraph (b) of this section, and who finds that a ration issued for such vehicle or boat is not sufficient to permit its necessary use for such purpose, may apply to a Board for a Special ration. Application for a Special ration on behalf of an individual may not be signed by an agent. A Special ration may be issued for any period up to six months from the date of application.

(b) Special rations shall be issued in order to permit the acquisition of gasoline for one or more of the following purposes:

(1) For use with a passenger automobile, motorcycle, or motorboat:

(i) To obtain necessary medical attention or therapeutic treatment or to procure necessary food or supplies;

(ii) To move such a vehicle or boat in connection with a bona fide change of the regular place of residence of the person entitled to the use thereof; or to return such a vehicle or boat to the regular place of residence of the person entitled to the use thereof on November 22, 1942 if such vehicle or boat has been continuously away from such place of residence since that date: *Provided*, That if such place of residence and such vehicle or boat were, on November 22, 1942, within the limitation area, no such ration shall be issued unless such vehicle or boat has been continuously away from the regular place of residence of the person entitled to the use thereof since August 22, 1942;

(iii) To move such vehicle or boat to a place of storage upon re-possession or upon seizure by a Government authority;

(iv) To deliver such vehicle or boat after *bona fide* sale thereof or pursuant to a *bona fide* lease of more than ninety (90) days;

(v) To move such vehicle or boat from a sales establishment or place of storage to another sales establishment or place of storage: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for such purpose.

(2) For use with a passenger automobile or motorcycle:

(i) To operate such vehicle in the course of manufacture or assembly for the purpose of testing such vehicle or moving it within or between plants engaged in its manufacture or assembly;

(ii) To transport the personnel and equipment of a scientific expedition organized or sponsored by a recognized scientific or educational institution or organization, if the Board finds that such expedition is in the public interest;

(iii) To carry persons to and from the polls for the purpose of voting in public elections (including primary elections); or to act as duly appointed election officials or poll watchers; or by a *bona fide* candidate for public office for purposes essential to the prosecution of his candidacy;

(iv) To operate such vehicle for the purpose of bona fide tests or experiments contributing to the war effort, which require the use of such vehicle therein.

(3) To operate a motor vehicle or motorboat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided*, That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for purposes of demonstration.

(c) Application shall be made on Form OPA R-552 and the application shall state, in addition to such other information as may be required:

(1) The purpose for which a Special ration is sought and the period (not exceeding six months) during which such ration will be needed;

(2) The type and number of ration books already issued for the vehicle, boat, or outboard motor, for which the application is made;

(3) The facts supporting the claim that transportation is necessary for the purpose;

(4) If application is made pursuant to paragraph (b) (1) (i) or (iv) or paragraph (b) (2) (ii) or (iii) of this section, the alternative means of transportation which are available and the reasons, if any,

why such alternative means are not reasonably adequate for the purpose.

(5) The number of miles of driving, or, in the case of a boat or outboard motor, the amount of gasoline, claimed to be essential to the accomplishment of the purpose or purposes stated during the period for which the Special ration is needed.

SECTION 1394.7852 Form and Issuance of Special Rations.—(a) The Board may grant a Special ration only if it finds:

(1) That such Special ration is needed by the applicant for the purpose claimed;

(2) That a ration (if any) previously issued for such vehicle, boat or outboard motor is not reasonably adequate or cannot be used for such purpose;

(3) That transportation is necessary to the accomplishment of such purpose; and

(4) That no reasonably adequate alternative means of transportation are available, if proof thereof is required by paragraph (c) of Section 1394.7851.

(b) If the Board grants the application, it shall determine the quantity of gasoline which is essential to the applicant for accomplishment of the purpose or purposes stated from the date of its decision to the end of the period (not exceeding six months) for which such ration is sought, and shall issue to the applicant a coupon book or books of any appropriate class, except Class A books, containing coupons in sufficient number to allow to the applicant the quantity of gasoline determined by it to be essential on the basis of the current gallonage value of a unit in such book. It shall mark "Special" any book which it so issues. It shall remove from the book and cancel any coupons in excess of the number representing the gallonage which it determines should be granted in accordance with the provisions of this paragraph.

(c) No Special ration may be issued for the operation of a vehicle if such operation violates any order of the Office of Defense Transportation.

NON-HIGHWAY RATIONS

SECTION 1394.7901 Persons Entitled to Non-Highway Rations.—Any person who requires gasoline for a non-highway purpose may obtain a Non-Highway ration authorizing the acquisition of the amount of gasoline required for such purpose, except as provided in paragraphs (b) and (c) of Section 1394.7904. Non-Highway rations shall be issued for three-month periods.

SECTION 1394.7902 Non-Highway Ration Books.—(a) Class E and Class R coupon books shall be issued as Non-Highway rations. Coupons in Class E and Class R books shall each have a value of one unit, and shall be valid for the transfer of gasoline to a non-highway consumer during the three-month period noted on such books by the Board.

(b) Each Non-Highway ration book issued for use with a motorboat for non-occupational purposes in the limitation area or in the States specified in paragraph (b) of Section 1394.7904 shall be so designated on the inside cover.

SECTION 1394.7903 Application for Non-Highway Ration.—(a) Application for a Non-Highway ration may be made to a Board on or after November 12, 1942, on Form OPA R-537. Application may be signed by an agent.

(b) The applicant shall state the amount of gasoline needed for non-highway use during the three-month period following the date on which such ration is required, and the non-highway purpose or purposes for which such gasoline is needed.

SECTION 1394.7904 Issuance of Non-Highway Rations.—(a) The Board shall determine the amount of gasoline required for the three-month period referred to in paragraph (b) of Section 1394.7903, and, subject to the provisions of paragraphs (b) and (c) of this section, shall issue to the applicant one or more Class E or Class R books, or any combination of them, containing a sufficient number of coupons to enable the applicant to acquire the amount of gasoline so determined to be necessary for such period. The Board shall remove from the book and cancel any coupons in excess of the number allotted.

(b) If application is made for a Non-Highway ration for use with an inboard motorboat or outboard motor operated wholly or in part for a non-occupational purpose within the limitation area or within any of the states of Georgia, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, New York, Ohio, Kentucky, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska or Kansas, the Board shall not allow for the non-occupational purpose an amount of gasoline in excess of the number of gallons determined by the following formulae:

(1) In the case of an inboard motorboat, the number of gallons equal to two times the manufacturer's rated horsepower of the motor or motors, but in any event not more than one hundred and twenty-five (125) gallons;

(2) In the case of an outboard motor, the number of gallons equal to two and one-half times the manufacturer's rated horsepower of such motor, but not in excess of twenty (20) gallons.

The Board shall, in such case, issue a separate book for such non-occupational purpose, containing coupons in sufficient number to allow the quantity of gasoline so determined, and shall note on such book that it is issued for a non-occupational purpose. For purposes of this paragraph non-occupational uses shall include use of a motor boat or outboard motor for sightseeing, guiding pleasure parties or conducting fishing parties other than to procure fish for sale or processing.

(c) If application is made for a Non-Highway ration for the operation of a gasoline engine (other than an outboard motor or an engine used to operate an airplane or inboard motorboat) the Board shall not allow more than one-tenth of one gallon of gasoline for each horsepower hour of operation set forth in the application.

(d) Except as provided in paragraph (a) of Section 1394.8103, no more than one non-occupational ration may be issued for an inboard motorboat or an outboard motor during any three-month period.

(e) Each applicant for a Non-Highway ration who acquires such gasoline for consumption free from state motor fuel taxes, or who applies for refunds of such taxes paid with respect to gasoline used for non-highway purposes, shall execute the application for Non-Highway rations in duplicate. The Board shall transmit the duplicate copy of such application, with a record of its action thereon, through the State Director to the State Motor Fuel Tax Administration of the State in which the gasoline is to be procured. If after examination by the Tax Administrator of such application, unexplained discrepancies are noted between the amount of gasoline issued as a Non-Highway ration and the amount of gasoline as to which tax exemption is permitted or refunds of taxes made, such discrepancies shall be reported to the State Director of the Office of Price Administration for appropriate action.

ISSUANCE OF COUPON BOOKS AND ACKNOWLEDGMENTS OF DELIVERY BY THE OFFICE OF PRICE ADMINISTRATION, WASHINGTON, D. C.

SECTION 1394.7951 Issuance of Ration Books by the Office of Price Administration.—(a) Coupon books of all types designated in Ration Order No. 5C may be issued by the Office of Price Administration, Washington, D. C., in its discretion, to the Army, Navy, Marine Corps, Coast Guard and the law-enforcement agencies of the United States, solely for the use of such agencies and for distribution

to and use by their officers, agents or employees in the performance of official duties which depend upon secrecy.

(b) Any agency enumerated in paragraph (a) of this Section which requires coupon books for use by such officers, agents or employees, shall make written application therefor to the Office of Price Administration, Washington, D. C., and shall state the number and type of books required, and the use for which such books are intended.

(c) If it grants the application, the Office of Price Administration, Washington, D. C., will issue such books in blank.

SECTION 1394.7952 Acknowledgments of Delivery.—(a) Forms OPA R-544 and OPA R-544 Revised, for Acknowledgment of Delivery, to be used for the acquisition of gasoline by or on behalf of the Army, Navy, Marine Corps, Coast Guard, Maritime Commission and War Shipping Administration of the United States, will be issued by the Washington Office to the Washington Headquarters of such agencies. Any such form bearing the signature of an authorized officer, agent or employee of any such agencies shall be valid as an authorization of transfer of gasoline by any person to whom it is presented, to the extent of the gallonage thereon stated.

(b) In the event that an Acknowledgment of Delivery form should not be available, gasoline may be transferred into the fuel tank of a motor vehicle clearly identifiable as owned by or leased to one of such agencies in exchange for an Emergency Acknowledgment on an official letterhead of the agency on whose behalf the gasoline is acquired, or on any other form if such a letterhead is unavailable, if such Emergency Acknowledgment supplies the information required by Form OPA R-544 Revised and is signed by an authorized officer, agent, or employee of such agency; such Emergency Acknowledgment shall show the address of the activity of the agency on whose behalf such Emergency Acknowledgment was issued. Such Emergency Acknowledgment may be used as an evidence for the purpose of replenishment by the transferor.

(c) Any Board by which such Acknowledgments are received shall submit them within thirty (30) days to the activity of the agency named thereon, for verification. In the event any Acknowledgment or Emergency Acknowledgment is found by such agency to have been used improperly, or by an unauthorized person, the agency will immediately notify the Board from which it was received, and such Board shall notify the State Director or District Manager of such facts for appropriate action.

(d) An Acknowledgment or other evidence shall be transmitted in exchange for all gasoline received directly by one of the agencies au-

thorized to use such Acknowledgment, even though part of such gasoline may be intended for transfer to, or may be transferred to, a facility such as a Post Exchange or Ships' Service Store for transfer to consumers for non-official use.

GENERAL PROVISIONS WITH RESPECT TO ISSUANCE OF RATIONS AND TIRE INSPECTION RECORDS

SECTION 1394.8001 Appearance before Boards.—The Board may require any applicant for a ration to appear before it for examination and to produce such witnesses or evidence as it may deem material.

SECTION 1394.8002 Presentation of Registration Card.—(a) Except as provided in paragraph (b) of this section, no gasoline ration (other than a Transport, Official, Fleet or Non-Highway ration or a ration issued pursuant to Section 1394.7757 or pursuant to subparagraphs (1) (iii) (iv) (v), (2) (i) (iv) and (3) of paragraph (b) of Section 1394.7851) shall be issued for any motor vehicle unless a registration card or registration certificate authorizing the operation of such vehicle during all or part of the period for which such ration is to be issued, is presented to the registrar or the Board, as the case may be.

(b) If no registration card or registration certificate has been issued or is outstanding for such motor vehicle, but such motor vehicle is currently registered for operation on public highways under the law of the Federal government or of any State, territorial or foreign government, the applicant may sign and submit a certification, on such form as may be designated by the Office of Price Administration, stating the reasons why no registration card or registration certificate is outstanding. If the Board (or the registrar) is satisfied that such motor vehicle is currently registered but that no registration card or registration certificate therefor has been issued or is outstanding, it may issue a gasoline ration for such vehicle. Such certification shall be filed with the application for such ration.

SECTION 1394.8003 Notation on Registration Cards.—At the time of issuing a gasoline ration in connection with which the presentation of a registration card is required pursuant to paragraph (a) of Section 1394.8002, the person issuing such ration shall make a clear notation in ink, indelible pencil, or by typewriter, on the back of the motor vehicle registration card or registration certificate presented by the applicant, showing the date of issuance, the class of ration and the serial number of the ration book (if any) issued. If a ration has

been issued on the basis of a temporary registration card or registration certificate, the applicant shall submit the permanent card or certificate, when issued, to a Board, for such notation. If a ration is issued without presentation of a registration card pursuant to the provisions of paragraph (b) of Section 1394.8002, no notation will be made at the time of issuance of the ration but the applicant shall submit such card, within five (5) days of issuance thereof, to a Board for such notation.

SECTION 1394.8004 Notation on Ration Books, Applications and Coupons.—(a) At the time of issuance of any ration book for a registered or commercial motor vehicle, the person issuing such book shall, unless an official or a fleet identification is used, make a clear notation on the cover thereof, in ink, indelible pencil or by typewriter, of the registration number, if any, of the vehicle for which it is issued, and the name and address of the owner of such vehicle. The Board shall make a notation on the cover of such book (other than a Basic book) and on the application therefor, of the date on which it becomes valid and of its expiration date.

(b) At the time of issuance of a Non-Highway ration book, the Board shall make a clear notation on such book in ink, indelible pencil or by typewriter, of the name and address of the applicant and of the period during which such book shall be valid. Such period shall also be noted on the application.

(c) The person to whom a ration book is issued for use with a motor vehicle (other than an interchangeable book issued for an official or a fleet vehicle) shall note on the face of such book in the space provided therefor the serial number of the Use Tax Stamp, if any, issued for such vehicle.

(d) Each person to whom a ration book has heretofore been or is hereafter issued shall clearly write in ink (or in the case of interchangeable coupon books issued for official or fleet vehicles, shall clearly write in ink or stamp in ink) on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon, the following information:

(1) In the case of A, B, C, D, T-1 or T-2 books; the license number and state of registration of the vehicle for which such ration was issued, except that in the case of interchangeable coupon books issued for official or fleet vehicles the information shall be the official or fleet designation (or the Certificate of War Necessity number in the case of commercial vehicles not bearing fleet designations) and the state

and city or town in which the principal office of the fleet operator is located.

(2) In the case of E and R books or bulk coupons: his name and address as they appear on the front cover of the ration book.

(c) Each person to whom bulk coupons have heretofore been or are hereafter issued shall clearly write his name and address in ink on the reverse side of each coupon issued to him, before accepting a transfer of gasoline in exchange for such coupon.

SECTION 1394.8005 Change in Motor Vehicle Registration Number.—(a) The holder of a ration book or Tire Inspection Record issued for a registered motor vehicle (other than a ration book bearing an official or a fleet identification) shall, upon any change in the registration number of such vehicle, submit such ration book and Record either to an appropriate State motor vehicle registration official or to a Board for the purpose of having the notation thereon changed to correspond to the new registration number. The book or Record shall be submitted to such official at the time of issuance of the new registration number, or to such Board within five (5) days thereafter; if such submission is made to a Board, the registration card or registration certificate (or in lieu thereof, an appropriate certification in such form as may be designated by the Office of Price Administration) evidencing the new registration number shall be presented with the book or Record. A State official to whom such book or Record is presented may, and a Board to which such book or Record is presented shall, obliterate the registration number appearing thereon and note thereon, in ink, indelible pencil or by typewriter, the new registration number issued for such vehicle. Notation on such new registration card shall also be made, as prescribed in Section 1394.8003. Such notation shall be countersigned or initialed by the person making the change.

(b) The holder of any book bearing an official or fleet identification shall upon any change in the name, identification or designation of such official or fleet vehicles, submit such book to the Board which issued it for appropriate modification. Upon ascertaining the new name, identification or designation of such official or fleet vehicles, the Board shall change the designation on such book to correspond thereto.

(c) Nothing in this section shall be construed to authorize the continued use of a ration book after a change in ownership of the vehicle for which it was issued.

SECTION 1394.8006 Authorization of Bulk Purchase.—(a) Any person who establishes to the satisfaction of a Board that he maintains a storage tank for supplying gasoline to one or more motor vehicles operated by him or for non-highway use, and that he has maintained such tank for such purposes prior to July 1, 1942, or that it has since become necessary to maintain a storage tank or to acquire gasoline in a tank, tank truck, drum, or other container for supplying gasoline to such vehicles or for such use, may, when applying for a ration, request the Board to issue such ration in the form of bulk coupons, or partly in bulk coupons and partly in coupon books. Such person may also request the Board to make a notation on any coupon books issued to him indicating that coupons in such books may be used for a bulk transfer of gasoline.

(b) If applicant establishes the facts required by paragraph (a) hereof, the Board shall issue bulk coupons to the extent of the gallonage allowed by it for which bulk coupons are requested: *Provided*, That, with respect to applications for Supplemental rations, or for Official or Fleet rations for passenger automobiles or motorcycles, as provided in Section 1394.7705 or 1394.7755, the Board shall first determine the type, number and expiration date of the coupon books to which the applicant is entitled; it shall then issue bulk coupons, to the extent requested by the applicant, having a gallonage value equal to the value in units of the coupons in the coupon books to which the applicant is entitled and in lieu of which such bulk coupons are issued; such bulk coupons shall expire on, and may not be used for the transfer of gasoline to a consumer after, the date on which such coupon books would expire: *Provided further*, That bulk coupons shall not be issued unless the applicant establishes the necessity for acquiring two hundred and fifty (250) gallons or more per month by bulk transfer.

SECTION 1394.8007 Lost or Destroyed Coupons or Coupon Books.—(a) In the event of theft, accidental loss, destruction or mutilation of any coupon book or bulk coupons, the holder thereof may apply to the Board having jurisdiction under Section 1394.7602, for replacement thereof.

(b) Such application shall be made in writing, under oath or affirmation, and shall set forth:

- (1) The name and address of the applicant;
- (2) The class, date and place of issuance and expiration date of such book or coupons;
- (3) A description of the motor vehicle, boat, equipment or process for which the book or coupons were issued;

(4) A statement of the number and type of unused coupons so lost, destroyed or mutilated;

(5) A description of the manner and circumstances of the theft, loss, destruction or mutilation.

(c) If the Board is satisfied that such book or coupons have been stolen, lost or destroyed, or so damaged or mutilated as to be rendered unfit for use, it may, in its discretion, issue a duplicate book or duplicate bulk coupons of the same class and in the same quantity as those sought to be replaced; it shall clearly note on the cover of any duplicate book issued the same expiration date, if any, that appeared on the original book.

(d) No person receiving a duplicate book or coupons under paragraph (c) hereof shall use, attempt to use, or permit the use of the original book or coupons, but shall surrender such original book or coupons, if damaged or mutilated, to the Board at the time of issuance of the duplicate book; in the event that a stolen book or stolen coupons are recovered, or a lost book or lost coupons are found after duplicates have been issued, such original book or coupons shall be surrendered to the Board forthwith.

SECTION 1394.8008 Disposition of Lost Coupon Books.—(a) Any person who finds a gasoline coupon book, coupon or other evidence shall, within five (5) days, surrender such coupon book, coupon or other evidence to a Board.

(b) The Board to which a coupon book, coupon or other evidence is surrendered pursuant to paragraph (a) of this section shall forward such coupon book, coupon or other evidence through the State Director to the Board having jurisdiction over the issuance thereof. The Board having jurisdiction shall return such coupon book, coupon or other evidence to the person to whom it was originally issued, or, if a duplicate thereof has already been issued, shall destroy such coupon book, coupon or other evidence.

SECTION 1394.8009 Issuance of Tire Inspection Records.—(a) Upon the issuance of any Basic, Official or Fleet ration (or a ration issued pursuant to the provisions of Section 1394.7757) during the period between November 9, 1942 and December 12, 1942, inclusive, the Board or Registrar, as the case may be, shall issue one Tire Inspection Record on Part B of Form OPA R-534 for each vehicle for which a ration is issued unless a Tire Inspection Record has previously been issued for such vehicle.

(b) During the period between November 9, 1942 and December 12, 1942, inclusive, the registered owner (or an agent of the registered owner, as provided in Section 1394.7653) of a motor vehicle for which a Basic ration has been issued pursuant to Ration Order No. 5A may

apply on Form OPA R-534 for a Tire Inspection Record. The applicant shall set forth the serial numbers of the tires mounted (including one spare per motor vehicle) on the vehicle for which the Tire Inspection Record is sought. The Board shall issue one Tire Inspection Record for each vehicle for which a Basic ration has been issued pursuant to Ration Order No. 5A: *Provided*, That no such Record shall be issued unless the registered owner or, under the conditions permitted by paragraph (b) of Section 1394.7653, an agent of the registered owner, certifies as required by the application that no passenger-type tires (excluding motorcycle tires but including scrap tires) are owned by the registered owner of the vehicle or by any person living in the household of the registered owner and related to him by blood, marriage or adoption, other than tires reported on Form OPA R-17 or R-17 Revised or reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(c) During the period between November 9, 1942 and December 12, 1942, inclusive, the registered owner or a responsible representative of the registered owner of a fleet vehicle for which a Fleet ration has been issued pursuant to Ration Order No. 5A, or a person to whom a ration has been issued pursuant to Section 1394.1309 of Ration Order No. 5A, may make application on Form OPA R-551 for a Tire Inspection Record. The applicant shall set forth the number of vehicles for which such rations are outstanding, the number and serial numbers of the tires mounted (including one spare per motor vehicle) on each such vehicle, and shall execute the certificate with respect to tires owned by the registered owner of the vehicles for which such Fleet rations have been issued (or, in the case of a ration issued pursuant to Section 1394.1309 of Ration Order No. 5A with respect to tires owned by the owner of the vehicle). The Board shall issue one Tire Inspection Record for each such vehicle as to which there is outstanding a currently valid ration pursuant to Ration Order No. 5A: *Provided*, That no Tire Inspection Record shall be issued pursuant to the provisions of this paragraph unless the registered owner or a responsible representative of the registered owner (or, in the case of a ration issued pursuant to Section 1394.1309 of Ration Order No. 5A, the person to whom the ration was issued) certifies, as required by the application, that the registered owner of the vehicle or vehicles described in the application (or, in the case of a ration issued pursuant to Section 1394.1309 of Ration Order No. 5A, the owner of the vehicle owns no passenger type tires (excluding motorcycle tires but including scrap tires) other than tires reported on Form OPA R-17 or R-17 Revised, or reported by a

manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

(d) After December 12, 1942, no Tire Inspection Record shall be applied for pursuant to this section unless the applicant shows good cause why such Record was not applied for on or before December 12, 1942.

SECTION 1394.8010 Presentation of Tire Inspection Records and Records Required to be maintained by Office of Defense Transportation.—(a) After December 12, 1942, no Supplemental, Official or Fleet ration or ration issued pursuant to the provisions of Section 1394.7757 shall be issued or renewed unless the applicant presents to the Board a Tire Inspection Record on Part B of Form OPA R-534 for each vehicle for which a ration is sought indicating that odometer readings have been taken and that the tires on such vehicle have been inspected and approved in accordance with the requirements of Ration Order No. 1A: *Provided*, That in the event the applicant shows that the required readings, inspections or approvals could not be taken, made or obtained, because of the serious illness of the applicant or the physical condition or location of the vehicle, the Board may in its discretion issue a ration if the current inspection shows no evidence of abuse or neglect of any of the tires upon the vehicle.

(b) On and after March 1, 1943, no Transport Ration shall be issued for use with a motor vehicle for the operation of which a Certificate of War Necessity is required unless the applicant presents to the Board a Record of Inspections or a Certificate as to Inspections showing inspections as required by the Office of Defense Transportation.

SECTION 1394.8011 Denial of Rations (a) No person whose name has been recorded by a Board, in accordance with the provisions of Section 1394.46 of Ration Order No. 5 or Section 1394.1406 of Ration Order No. 5A for refusal to surrender a ration card, book, coupon or other evidences upon direction of the Board, or for failure or refusal, without good cause shown, to appear before such Board for examination, shall be entitled to obtain a ration of any type under Ration Order No. 5C, while his name remains thus recorded.

(b) Any Board which has reason to believe that any applicant for a ration has used a Special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was issued, or used any other ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration could be obtained under Ration Order No. 5A or Ration Order No. 5C, or has violated the provisions of Sections 1394.8171, 1394.8175, or 1394.8181, may refuse to issue a ration to or renew a ration of any such applicant and may declare that he shall not

be eligible to receive a ration for such period as it shall deem appropriate in the public interest. In any such case of refusal to issue or renew a ration, the Board shall serve upon such person a written statement of the grounds upon which the ration was denied, and shall state therein the effective period of such denial.

SECTION 1394.8012 Earliest Effective Date of Rations.—Notwithstanding any other provision of Ration Order No. 5C, no ration shall be issued pursuant to Ration Order No. 5C for use prior to November 22, 1942.

SECTION 1394.8013 Consumer Declaration of Gasoline on Hand.—A Board may require any applicant for a Supplemental, Fleet, Official, Transport or Non-Highway ration to set forth on his application the amount of gasoline held by him other than gasoline in the fuel supply tank of a motor vehicle, motorboat or equipment, and other than gasoline held by a dealer or distributor for transfer, or gasoline obtained in exchange for valid coupons or other evidences. No deduction may be made by the Board in issuing a ration on account of any such gasoline on hand.

RENEWAL OF RATIONS AND ISSUANCE OF FURTHER RATIONS

SECTION 1394.8051 Renewal of Rations.—(a) Rations shall expire as provided in Section 1394.8054 (b), 1394.8102, and 1394.8103. At any time within thirty (30) days prior to the expiration of any ration, or at any time thereafter, application for a renewal of a ration may be made. Such application shall be made in the same manner as the original application, except as provided in paragraph (b) of this section.

(b) If there have been no substantial changes since the date of the original application in the applicant's gasoline needs, or in the nature, amount, and conditions of use of the motor vehicle for which the original ration was issued, and if such original application accurately calculated the applicant's requirements, application for a renewal thereof (except in the case of a Basic, Special or Transport ration) may be made by executing the renewal certificate on such original application. The applicant shall in such case note on such renewal certificate any changes in the nature or amount of his use since the date of the original application. An applicant may renew a Transport ration by filling in the pertinent information on the face of the form for the period for which the ration is required and executing the renewal certificate: *Provided*, That if the Certificate of War Necessity,

if any, effective at the time of the original ration, has been revoked or modified in any manner the applicant shall execute a new application.

(c) When renewing a ration prior to the expiration date of a current ration of the same class, the Board shall note on the application and on the front cover of the coupon book (if any) representing such renewed ration the date on which such book shall become valid. Such date shall be the day following the expiration date of the current ration.

(d) Except as provided in Sections 1394.8052 and 1394.8053, no ration of any class may be renewed for use prior to (or may be used prior to) the expiration of the current ration of the same class.

SECTION 1394.8052 Issuance of Further Ration for Use Prior to Expiration Date of Current Ration.—(a) Any person who finds that, due to a change in occupation or in the location of place of business or residence, or other change in circumstances, or due to seasonal variation in the amount of occupational mileage needed, or miscalculation of needs, a ration of any class (other than a Basic ration) issued to him fails to meet his requirements, may apply for a further ration of such class for use prior to the expiration date of his current ration. Such application shall be made in the same manner as the application for the current ration.

(b) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The reason or reasons why a further ration will be needed for use prior to the expiration date of the current ration.

(c) If the Board determines that, for one or more of the reasons specified in paragraph (a) of this section, more mileage is needed or, in the case of a Non-Highway ration, more gasoline is required, than that stated in the application on the basis of which the current ration was issued, it may grant a further ration in accordance with the provisions of paragraph (b) of Section 1394.8054.

(d) No further Supplemental ration under Section 1394.7705, or Official or Fleet ration under Section 1394.7755, or Non-Highway ration, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage or gallonage to which he would be entitled under the provisions of paragraph (b) of Section 1394.7704, or paragraph (b) of Section 1394.7754, or Section 1394.7904 as the case may be. No further Transport ration shall be granted pursuant to this section which would allow a vehicle or fleet for the operation of which a Certificate of War Necessity is required more gasoline

than the maximum amount authorized by the Certificate of War Necessity issued for such vehicle or fleet.

SECTION 1394.8053 Special Cases.—(a) Any person to whom a ration of a class specified in paragraph (b) of this section has been issued, who finds that the vehicle or vehicles for which such ration was granted cannot be operated for fifteen (15) miles (or, in the case of a motorcycle, for forty (40) miles) or more on a gallon of gasoline, may apply for a further ration for use prior to the expiration of such current ration.

(b) Such application shall be made in the same manner as the application for the current ration and may be granted only if such current ration is in one of the following categories:

(1) A Supplemental ration based on an allowed mileage in excess of 470 miles per month;

(2) An Official or Fleet ration, issued pursuant to Section 1394.7755.

(3) A Transport ration other than one issued on the basis of a Certificate of War Necessity.

(c) The applicant shall append to the application a statement showing:

(1) That the current ration is insufficient to meet his needs for more than thirty (30) days from the date of the application;

(2) The nature of the use of the vehicle or vehicles for which the further ration is sought and the driving conditions under which such vehicle or vehicles are operated;

(3) The reason or reasons why a further ration is sought for use prior to the expiration of the current ration;

(4) That the vehicle or vehicles for which the application is made are in sound mechanical condition and are being operated in such manner as to secure maximum economy of gasoline.

(d) If the Board determines that the vehicle or vehicles for which application is made are being operated in such fashion as to obtain the maximum mileage per gallon of gasoline reasonably possible, it may grant a further ration in accordance with the provisions of paragraph (b) of Section 1394.8054.

(e) No further Supplemental ration under Section 1394.7705, or Official or Fleet ration under Section 1394.7755, shall be granted, pursuant to this section, which would permit the applicant to exceed the maximum mileage to which he would be entitled under the provisions of paragraph (b) of Section 1394.7704, or paragraph (b) of Section 1394.7754, as the case may be.

SECTION 1394.8054 General Provisions.—(a) All of the provisions of Ration Order No. 5C applicable to the issuance of an original

ration shall apply to the renewal of a ration and to the issuance of a further ration pursuant to Sections 1394.8051, 1394.8052 and 1394.8053, except as otherwise expressly provided in those sections.

(b) Except as provided in paragraph (c) of this section, when granting a further ration for use prior to the original expiration date of a current ration, pursuant to the provisions of Section 1394.8052 or Section 1394.8053, the Board shall redetermine the expiration date of such current ration. Such redetermination shall be based on the Board's estimate of the date on which such current ration will be exhausted. The Board shall thereupon note such redetermined expiration date on the application for such current ration and on the coupon books issued therefor. The redetermined date shall be deemed the expiration date of such current ration for all the purposes of Ration Order No. 5C. The further ration shall then be issued in accordance with the provisions of paragraph (c) of Section 1394.8051.

(c) When granting a further ration as a Transport ration for use prior to the expiration date of the current ration the Board shall allow subject to the provisions of paragraph (d) of Section 1394.8052, the amount of gasoline required by the applicant prior to the expiration of the calendar quarterly period during which the further ration is to be used.

EXPIRATION, REVOCATION AND REDETERMINATION OF RATIONS

SECTION 1394.8101 Surrender of Expired Coupons.—(a) No ration may be used and no coupon book shall be valid for the transfer of gasoline to a consumer after the expiration thereof.

(b) The person to whom a ration has been issued shall, within five (5) days after the expiration thereof, surrender to the issuing Board all unused coupons representing such ration.

SECTION 1394.8102 Expiration of Rations.—All Basic rations shall expire at midnight, July 21, 1943. All Transport rations shall expire at midnight of the last day of the calendar quarterly period for which they are issued except that Transport rations issued for use prior to January 1, 1943, shall expire at midnight, March 31, 1943. Other rations shall expire as noted on the books or applications.

SECTION 1394.8103 Expiration of Rations Upon Cessation of Use, Change in Ownership, Revocation of Certificates of War Necessity.—(a) Upon cessation of use or change of ownership of any vehicle, boat or equipment, any ration issued for such vehicle, boat or equipment shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation or change,

be surrendered to the issuing Board, by the person to whom such ration was issued. The transferee of such vehicle, boat or equipment may apply for a ration therefor on his own behalf, in accordance with the applicable provisions of Ration Order No. 5C: *Provided*, That such transferee may not obtain a ration unless a *bona fide* transfer is involved.

(b) Upon cessation of use of a ration (other than a Basic ration) for a purpose for which such ration may be obtained, such ration shall expire and all unused coupons and books issued therefor shall, within five (5) days after such cessation, be surrendered to the issuing Board by the person to whom such ration was issued.

(c) Upon revocation by the Office of Defense Transportation of any Certificate of War Necessity all rations issued for use with the vehicle or vehicles to which such certificate pertains shall expire.

SECTION 1394.8104 Coupon Books Property of Office of Price Administration; Summary Revocations.—(a) All coupon books, bulk coupons, inventory coupons, and other evidences are, and when issued shall remain, the property of the Office of Price Administration. The Office of Price Administration may refuse to issue, and may suspend, cancel, revoke, or recall any ration and may require the surrender and return of any coupon book, bulk coupon, inventory coupons or other evidences during suspension or pursuant to revocation or cancellation, whenever it deems it to be in the public interest to do so.

(b) Upon certification by the Office of Defense Transportation that any person to whom a ration has been issued has been found by it to have violated an order of such Office, and upon recommendation by such Office that a ration or any part thereof, issued to such person, be revoked, the Office of Price Administration may revoke such ration, or such part thereof, pursuant to the provisions of paragraph (a) of this section.

(c) In the event that any person to whom a ration has been issued is convicted by a court of competent jurisdiction of driving a motor vehicle at a speed in excess of thirty-five (35) miles per hour, the issuing Board, upon receipt of a certified copy of the judgment of conviction or other official certification as to the fact of such conviction, may revoke the ration of such person and order such person to surrender to it all of his coupons or coupon books.

(d) Any ration issued to a person not entitled thereto on the basis of the facts stated in the application, may be revoked by the issuing Board, and the Board may order that any coupons or coupon books issued therefor be surrendered. If the Board finds that the holder

is entitled to a ration of a different class or quantity than that issued, it shall issue such ration in lieu of the ration revoked.

SECTION 1394.8105. Revocation of Ration after Hearing.—(a) When any Board has reason to believe that any holder of a ration has used a Special ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than that for which such ration was issued, or used any other ration issued under Ration Order No. 5A or Ration Order No. 5C for a purpose other than one for which such ration could be obtained under Ration Order No. 5A or Ration Order No. 5C, or has violated the provisions of Sections 1394.8171, 1394.8175, or 1394.8181, it, or any other Board acting at its request, may serve written notice of hearing upon such person. Such notice shall be served at least three days prior to the date fixed for such hearing. The notice shall state the time and place of the hearing, the charges against the holder of the ration, and the purpose for which the hearing is to be held. If the holder of the ration admits the charges or fails to appear at the hearing, or if the Board determines on the basis of the evidence presented before it at the hearing that such person has committed any of the acts specified above, the Board shall by order revoke, for a period which shall be stated therein, the rations issued to him in whole or in part and direct him to surrender to it the coupons or coupon books issued to him to the extent required to make such revocation effective: *Provided*, That if any person whose ration was revoked for failure to appear at the hearing shows good cause to the Board for such failure, within five days from the effective date of the order, the revocation of his ration shall be cancelled and the Board shall grant him a full hearing on the charges made. A copy of the order of revocation shall promptly be served on the holder of a ration personally or by mail directly to his last known address, and copies thereof shall be sent to the District and State offices which have jurisdiction over the area in which the Board is located. Such order shall, if personally served, become effective twenty-four (24) hours after such service, and if served by mail, three (3) days after the date of mailing. The Board may designate one or more of its members to perform the functions prescribed in this paragraph.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) of this section may, within five (5) days after the effective date thereof, request a hearing on the charges and a review of such order by filing a statement of objections to the order with the Board which issued it. Within three (3) days after

receipt of the statement the Board shall forward it, together with the application and a copy of the notice served to the District Office, or if there is no District Office with jurisdiction over the area in which the Board is located, to the State Director. Within three (3) days after receipt of such statement from the Board the District Manager, or the State Director, as the case may be, shall set a date for a hearing on the charges and at least three (3) days prior to the hearing notify the holder of the ration personally or by registered mail directed to his last known address of the time and place set for the hearing. Such hearing shall be conducted by a presiding officer appointed by the Regional Administrator or by such person as he may designate to make such appointment. The presiding officer may administer oaths and affirmations and rule on the admission and exclusion of evidence. The provisions of paragraphs (b) (3) and (4) of Section 1394.8109 shall apply in the conduct of such hearing.

If after such hearing it is determined by the District Manager, or State Director (as the case may be), that the ration holder has used a Special ration for a purpose other than that for which it was issued or any other ration for a purpose other than the one for which such ration could be obtained or has violated the provisions of Sections 1394.8171, 1394.8175 or 1394.8181, he shall affirm the order or modify it to provide for such revocation in whole or in part as he shall deem appropriate. If he finds that the charges have not been proved he shall rescind the order. A copy of his decision shall promptly be served upon the person against whom the order was issued and upon the Board.

(c) The District Manager or the State Director, as the case may be, may for good cause shown upon application by the holder of the ration, stay or suspend the operation of any order issued pursuant to the provisions of paragraph (a) of this section pending the hearing and determination of the proceedings provided for in paragraph (b) hereof.

(d) An appeal from an affirmance or modification of the order of the Board may be taken by the holder of the ration by filing in the Office of the Secretary, Office of Price Administration, Washington, D. C., a notice of appeal, which may be accompanied by any affidavits or briefs which the person filing the notice desires to submit. Within a reasonable time after the filing of the notice of appeal, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind or stay the order, or direct that a further hearing be held.

(e) Whenever an order issued by a Board pursuant to the provisions of this section has been rescinded or modified, the Board shall, if any part of the ration has been surrendered, reissue all or part of such ration for the remaining portion of the period for which such ration was originally issued, or shall order the surrender of additional evidences, in accordance with the decision modifying such order.

SECTION 1394.8106 Effective Period of Order Revoking Ration.—Whenever any Board, pursuant to the provisions of Sections 1394.8104 (b) or (c) or 1394.8105 (a), has revoked the ration of a ration holder in whole or in part, no ration shall be issued to such person or to any other persons for his use, and no ration theretofore issued to him or to any other person for his use shall be renewed during the period of such revocation, except in accordance with the provisions of such order, or as otherwise provided in Ration Order No. 5C.

SECTION 1394.8107 Restoration of Revoked Rations Upon Application.—A person whose ration has been revoked in whole or in part and who has surrendered coupons and coupon books to any Board as required by an order of the Board pursuant to the provisions of Section 1394.8104 (c) or 1394.8105 (a) may apply in writing to the State Director for a restoration of his ration. Such application shall be granted if the State Director finds that the violation on the basis of which such ration has been revoked was excusable under the circumstances, or that the reissuance of the ration is necessary to the war effort or in the interest of public health or safety. In such case, the State Director shall direct the Board which revoked such ration to issue to such person, and such Board shall issue, any ration to which he may be entitled under the provisions of Ration Order No. 5C.

SECTION 1394.8108 Presentation of Registration Cards Upon Revocation of Ration and Notations Thereon.—Whenever a ration is revoked in whole or in part and the person to whom such ration has been issued is directed to surrender any coupons or coupon books pursuant to the provisions of Ration Order No. 5C, such person shall, if the ration was issued for the operation of a motor vehicle, present the registration card or registration certificate, if any, of the motor vehicle for which such ration was issued, at the time of surrendering to the Board such coupons or coupon books. The Board shall make a clear notation in ink, indelible pencil, or by typewriter on the back of the motor vehicle registration card or certificate stating that such ration has been revoked, or, if it has been revoked in part, the extent to which it has been revoked.

SECTION 1394.8109 Authority of Regional Administrators, State Directors and District Managers to Suspend and Revoke Rations

and Require the Surrender of Coupon Books and Coupons.—(a) The several Regional Administrators of the Office of Price Administration within their respective regions, and such State Directors or District Managers as may be designated by the Regional Administrators for such purpose, are authorized to determine whether any ration, coupon book, or any bulk, inventory, or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) should be suspended, cancelled, revoked, recalled, or surrendered, and may, after a hearing held in accordance with the provisions of this section, suspend, cancel, revoke, recall, or require the surrender of any such ration, coupon book, or coupon in any case in which the Regional Administrator, State Director, or District Manager, as the case may be, finds either:

(1) That a ration holder was not entitled to receive the ration issued; or

(2) That a ration holder has violated any provision of Ration Order No. 5A or 5C; or

(3) That a person has transferred, assigned, received or accepted, or has in his possession any coupon book or coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or a part of a ration book) otherwise than in accordance with the provisions of Ration Order No. 5A or 5C.

(b) (1) The hearing shall be conducted by a presiding officer who shall be appointed or designated by the Regional Administrator or such person as he may authorize to make such appointment or designation. The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on the admission and exclusion of evidence.

(2) Notice of any hearing to be held pursuant to this Section shall be served on the respondent not less than three (3) days prior to such hearing. The notice shall state the time and place of the hearing, the charges against the respondent, and the purpose for which the hearing is to be held.

(3) The hearing shall be conducted by the presiding officer in such manner as will permit the respondent to present evidence and argument to the fullest extent compatible with fair and expeditious determination of the issues raised in the hearing. To this end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The presiding officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examination of witnesses.

(4) A stenographic transcript of the hearing shall be made, a copy of which shall be made available to the respondent at his request upon the payment of a reasonable fee.

(5) A copy of any order issued pursuant to this section shall promptly be served on the respondent.

(c) Any holder of a ration against whom an order is issued pursuant to the provisions of this section, on the ground that he was not entitled to such ration on the basis of the facts stated in the application, may appeal to the Regional Administrator from an order of a District Manager or State Director, and to the Deputy Administrator in charge of Rationing from an order or decision of the Regional Administrator on such appeal. In making any such appeal the appellant shall file with the official who issued the order appealed from, a statement in writing setting forth his objections to the decision and the grounds for the appeal. The statement must be filed not later than thirty (30) days after receipt of notice of the decision. Within five (5) days after receipt of the statement, such official shall send it to the official appealed to together with the entire record. The official appealed to may request the appellant to appear before him or to furnish such additional information as he may deem pertinent and shall render his decision on the appeal within five (5) days after receipt of the statement and record, and, in cases of apparent emergency, within twenty-four (24) hours, if possible. He shall promptly notify the appellant, in writing, of his decision.

(d) Any person against whom an order is issued pursuant to the provisions of this section on any ground other than that set forth in paragraph (c) of this section may file in the Office of the Secretary, Office of Price Administration, Washington, D. C., a petition for reconsideration of such order. Such petition may be accompanied by any affidavits or briefs which the person filing such petition desires to submit. Within a reasonable time after the filing of a petition for reconsideration, the Administrator, or such person as he may designate for such purpose, shall affirm, modify, rescind, or stay such order, or direct that a further hearing be held thereon.

SECTION 1394.8110 Redetermination of Rations Other Than Basic and Transport Rations in Connection with Applications for Tires, Tubes, or Recapping Service.—When application is made by the holder of a Supplemental, Fleet or Official ration, or a ration issued

pursuant to Section 1394.7757 of Ration Order No. 5C or Section 1394.1309 of Ration Order No. 5A, for a recapping service or for a tire or tube, the Board shall reconsider the application on the basis of which such ration was issued to determine whether the applicant is entitled, pursuant to Ration Order No. 5C, to the ration held by him. If such application is not available at the Board the Board shall require the applicant to file a new application. If the Board finds the applicant to be entitled, under Ration Order No. 5C to a ration of a different class or different allowed mileage than the ration held by him it shall require the applicant to surrender such ration and shall issue a ration of the class and mileage to which the Board finds the applicant to be entitled.

GENERAL PROVISIONS WITH RESPECT TO TRANSFERS AND USE

RESTRICTIONS ON TRANSFERS

SECTION 1394.8151 Restriction on Transfer to Consumers.—On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no person other than a dealer or distributor shall transfer or offer to transfer gasoline to a consumer, and no consumer shall accept a transfer of gasoline from a person other than a dealer or distributor, except as provided in Sections 1394.8157, 1394.8158, and 1394.8210.

SECTION 1394.8152 Transfers to Consumers.—On and after November 22, 1942, and notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, a dealer or distributor may transfer gasoline to a consumer, and a consumer may accept such transfer of gasoline, only in exchange for valid coupons, except as provided in Sections 1394.8154, 1394.8155, and 1394.8156.

SECTION 1394.8153 Transfers to Consumers in Exchange for Coupons.—(a) *Coupons in Books Issued for Registered and Commercial Motor Vehicles.*—Transfer may be made and accepted in exchange for coupons contained in Class A, B, C, D, T-1, or T-2 books, only under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the amount of gasoline transferred: *Provided*, That if the transferee is able to accept only a portion of the amount of gasoline represented by the unit value of a coupon, the transferor shall nevertheless detach an entire coupon. No transfer may be made pursuant to this paragraph in exchange for a coupon

detached prior to the presentation of the coupon book to the transferor.

(2) Transfer may be made only into the fuel tank of a motor vehicle identified on the coupon book presented and only if a sticker corresponding to the class of book presented and conspicuously displayed on such vehicle, as required by the provisions of Section 1394.8165, except that on presentation of a Class A book, transfer may be made into the fuel tank of a motor vehicle on which a Class B, or C sticker is displayed: *Provided*, That if such book bears a notation by a Board indicating that bulk transfer is authorized, a bulk transfer may be made in exchange for coupons in such book: *Provided further*, That bulk transfer may also be made, of an amount of gasoline not in excess of one unit, to enable a vehicle stranded for lack of fuel to reach a source of supply; in such case the transferor shall retain the ration book presented until the vehicle is brought to the place of transfer for identification.

(3) Transfer may be made only during the valid period noted on the cover of the book presented or, in the case of a Class A book, only during the period of validity of the coupon in exchange for which the transfer is to be made.

(4) Transfer may be made only in exchange for coupons bearing the notations required by Section 1394.8004 (d).

(b) *Coupons in Non-Highway Books.*—Bulk transfer may be made in exchange for coupons contained in Class E and R books, under the following conditions:

(1) At the time of transfer, the transferor must require presentation of the coupon book and must detach therefrom coupons having an aggregate unit value equal to the number of gallons of gasoline transferred. No transfer may be made pursuant to this paragraph in exchange for a coupon detached prior to the presentation of the coupon book to the transferor.

(2) No transfer in exchange for coupons in a Class E or R book may be made into the fuel tank of, or knowingly made for use in, a registered motor vehicle, commercial motor vehicle, or a motor vehicle held by a motor vehicle dealer for sale or resale or operated on dealer or other interchangeable plates, nor shall any such transfer be made into, or knowingly made for use in, the fuel supply tank of machinery or equipment mounted on a commercial motor vehicle.

(3) Transfer may be made only in exchange for coupons bearing the notations required by Section 1394.8004 (d).

(c) *Bulk coupons.*—Transfer may be made in exchange for bulk coupons as follows:

(1) The transferor must require surrender, at the time of transfer, of bulk coupons having a value in gallons equal to the number of gallons of gasoline transferred: *Provided*, That in the case of any delivery made in the absence of the transferor or his agent, by barge, pipe line, tank car, or other carrier, or in the absence of the transferee or his agent, coupons need not be surrendered simultaneously with delivery, but must be forwarded by the transferee to the transferor within seven (7) days after delivery.

(2) Transfer may be made only in exchange for coupons bearing the notations required by Section 1394.8004 (e).

SECTION 1394.8154 Transfers in Exchange for Acknowledgment of Delivery.—Transfer may be made in exchange for an Acknowledgment of Delivery, on Form OPA R-544, or OPA R-544 Revised, or in exchange for an Emergency Acknowledgment issued in lieu thereof, in accordance with the provisions of Section 1394.7952.

SECTION 1394.8155 Transfers for Export.—(a) Any person (other than a licensed distributor) who desires to obtain gasoline for export to any insular or territorial possession of the United States, or to any foreign country, may execute and submit Part A of an Export Certificate on Form OPA R-560, in duplicate, to any Board. Such certificate shall state the amount of gasoline required for export, the proposed date and port of exportation and the name and address of the person desiring to export the gasoline. The Board shall retain the duplicate copy of the certificate and shall endorse and return the original copy to such person. The original copy, bearing the endorsement of the Board, shall constitute an evidence to authorize the transfer of the amount of gasoline stated thereon: *Provided*, That such certificate bearing the endorsement of an authorized official of the Federal government or any agency thereof shall be valid without endorsement by a Board, as an evidence to authorize the transfer to such government or agency for the purpose of export, or for re-transfer by such government or agency for such purpose.

(b) Within thirty (30) days after submission to and endorsement of such certificate by a Board, the person who has acquired gasoline pursuant to the provisions of paragraph (a) of this section shall submit to the Board which endorsed the certificate, a copy of a Shippers' Export Declaration (Commerce Form 7525) bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated has been exported. The Board shall attach the copy of the declaration submitted to the copy of the certificate on file. If the Board is not satisfied with the authenticity

of the copy of the declaration, or in the event none has been presented to the Board within thirty (30) days after endorsement of the certificate, the Board shall send the file of the case to the Office of Price Administration in Washington, D. C., for investigation.

(c) Any dealer or intermediate distributor who has exported gasoline from within the limitation area, or who has exported gasoline from outside the limitation area on or after November 22, 1942, to an insular or territorial possession of the United States or to a foreign country, who has not acquired such gasoline pursuant to the provisions of paragraph (a) of this section, may obtain replenishment for the amount of gasoline exported by executing and presenting to a Board Part B of an export certificate on Form OPA R-560 submitting therewith a copy of a Shippers' Export Declaration (Commerce Form 7525), bearing the notation of an authorized customs official that to the best of his knowledge and belief the amount of gasoline thereon stated was so exported. The Board, if it is satisfied with the authenticity of the copy of such declaration, shall endorse such certificate and return it to such person, and shall retain a copy of the declaration for its files. Such certificate bearing the endorsement of a Board shall be valid to authorize a transfer of the amount of gasoline thereon stated, and may be used by the transferor of such gasoline as evidence for purposes of replenishment.

(d) No person acquiring gasoline pursuant to the provisions of paragraph (a) of this section may use such gasoline for any purpose other than for export to an insular or territorial possession of the United States or to a foreign country.

(e) Nothing in this section shall be construed to authorize the export of gasoline other than in accordance with the laws of the United States and the rules and regulations of the Board of Economic Warfare or of any other department or agency of the United States.

SECTION 1394.8156 Emergency Transfers.—(a) Transfer may be made in exchange for an Emergency Receipt on Form OPA R-555, of the amount of gasoline stated thereon, subject to the provisions of paragraphs (b) and (c) of this section.

(b) Any person requiring gasoline in order to meet an emergency involving serious threat to life, health or valuable property, may obtain such gasoline by signing an Emergency Receipt on Form OPA R-555, in duplicate, and stating thereon the emergency purpose for which such gasoline is required and the reason why he is unable to present coupons in exchange for such gasoline. If such gasoline is required for use in a registered motor vehicle, he shall also state the license number of the vehicle in which such gasoline is to be used.

(c) Any dealer or distributor who has transferred gasoline in exchange for an Emergency Receipt, shall transmit such Emergency Receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located. The Board, if it is satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such Emergency Receipt, shall issue to him, in exchange therefor, inventory coupons equal in gallonage value to the amount of gasoline so transferred. The Board shall retain one copy of such Receipt in its own files and shall transmit the second copy to the Board having jurisdiction over the area in which the transferee resides, as stated on the Receipt. If the Board is not satisfied that such dealer or distributor made a transfer, in good faith, of the amount of gasoline specified in such Emergency Receipt, it shall not issue to him any inventory coupons therefor. In such case, the Board shall return one copy of the Emergency Receipt to the dealer or distributor, and shall transmit the second copy of such Receipt to the State Director for appropriate action.

(d) Any Regional Administrator of the Office of Price Administration who finds that there has been such delay in the issuance of rations as of November 22, 1942, as to jeopardize the movement of trucks, busses, or other essential vehicles for which no Basic ration is issuable, may by declaration designate the States within his region in which such delay has occurred and specify the types of vehicles affected thereby. Such declaration shall continue in effect until December 4, 1942, or such earlier date as he may determine. During the effective period of such declaration, the operator of a vehicle of a type specified therein, licensed or operated in a State designated therein, may acquire gasoline for use in such vehicle by signing an emergency receipt on Form OPA R-555, in duplicate: *Provided*, That gasoline may be so acquired for a vehicle only during the interval between the date of application for a ration for such vehicle and the date of receipt or denial of such ration. Any dealer who has made a transfer of gasoline in exchange for an emergency receipt pursuant to this paragraph shall transmit such receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located and such Board shall issue inventory coupons to him, in exchange for such receipt, in accordance with the procedure specified in paragraph (c) of this section.

SECTION 1394.8157 Transfer of Vehicle, Boat or Equipment.— Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline in the fuel supply tank of a vehicle, boat or equipment, in conjunction with a lawful and *bona fide* transfer of such vehicle, boat

or equipment; or the use by the transferee in such vehicle, boat or equipment of gasoline actually in the fuel supply tank thereof at the time of transfer.

SECTION 1394.8158 Transfer of Consumer Establishments; Transfer by Operation of Law.—(a) Nothing in Ration Order No. 5C shall be deemed to forbid the transfer of gasoline actually in a storage tank or other container maintained by a consumer as part of an enterprise or establishment, in conjunction with a lawful and *bona fide* transfer of such enterprise or establishment itself, or a transfer of gasoline by legal process or operation of law.

(b) Any person to whom a transfer of the character described in paragraph (a) is made, shall forthwith report such transfer and the amount of gasoline involved, to the Board having jurisdiction over the area in which such gasoline is located. Such person, if a dealer or distributor, shall surrender to the Board, together with such report, coupons or other evidences having a value equal to the number of gallons of gasoline transferred. Such person, if not a dealer or distributor, may either:

(1) Transfer all or any part of such gasoline in exchange for coupons or other evidences having a value equal to the number of gallons of gasoline so transferred; *Provided*, That such coupons or other evidences shall forthwith be surrendered by him to the Board for cancellation; or

(2) Consume such gasoline to the extent of any gasoline ration issued to him; *Provided*, That he may consume such gasoline only for the purpose for which such ration may be issued or, in the case of a Special ration, for a purpose for which such ration was issued and shall surrender to the Board, for cancellation, coupons equal in value to the amount of gasoline consumed or to be consumed.

SECTION 1394.8159 Rights of Parties to Contracts for Transfer of Gasoline.—If the performance of any contract or agreement for the transfer of gasoline is prevented by Ration Order No. 5A or 5C, no party thereto shall be liable for failure to perform such contract or agreement; *Provided*, That any person who has received or has had the benefit of any deposit or other consideration on account of such contract, shall be liable upon demand to return such deposit or other consideration or to pay the fair value thereof, in the event the consideration has been materially altered in condition or cannot be returned.

SECTION 1394.8160 Signature on Coupon Book.—No coupon book may be used until the person to whom such book is issued has signed the certification provided for therein.

PROHIBITED ACTS

SECTION 1394.8161 General Restrictions on Use.—No person to whom a Special ration has been issued may use or permit the use of such ration for any purpose other than the one for which it was issued. No person to whom a Supplemental, Official, Fleet, or Non-Highway ration, or ration issued pursuant to the provisions of Section 1394.7757, has been issued may use or permit the use of such ration for a purpose other than one for which such ration could be obtained pursuant to the Ration Order under which it was issued.

(b) No Transport Ration issued for a vehicle for the operation of which a Certificate of War Necessity is required may be used other than for a purpose permitted by, or to an extent greater than that permitted by, the Certificate of War Necessity issued for such vehicle.

SECTION 1394.8162 Change of Occupation of Ration Holder.—The holder of a ration based on allowed mileage in excess of 470 miles per month shall report to the issuing Board any change in the principal occupation for the pursuit of which such ration was issued. Such report shall be transmitted to the Board within five (5) days after such change and shall describe fully the nature of the new occupation, the exact type of work performed, the business or industry in which such work is performed, and the purpose, if any, for which the motor vehicle will be used in such new occupation. If, on the basis of such report, the Board finds reason to believe that such motor vehicle will no longer be used for a preferred purpose listed in Section 1394.7706, it shall notify such holder, in writing, that his right to such ration is to be reexamined. Such notice shall be mailed to such holder at the address shown on his application (or at the address shown on his report), and shall require him to file a new application for a ration within ten (10) days after the mailing date shown on such notice. If no new application is filed within such time, the Board shall revoke such ration and shall recall all Class C books or coupons (or Class D books or coupons based on an allowed mileage in excess of 470 miles per month) issued in connection therewith. If a new application is filed, and if the Board determines that the motor vehicle will be used for a preferred purpose listed in Section 1394.7706, it shall take no further action. If the Board finds that the vehicle will no longer be used for a preferred purpose listed in Section 1394.7706, it shall revoke the ration and recall the coupons or coupon book originally issued and shall issue, in lieu thereof, such ration (if any) as it determines that the holder

is entitled to receive on the basis of his new application and in accordance with the provisions of Section 1394.7705 or 1394.7755, as the case may be.

SECTION 1394.8163 Restriction on Use of Rations or Gasoline for Racing or Exhibition Purposes.—No ration shall be issued or used, and no gasoline shall be used, or knowingly transferred for use, for the operation of any boat in the limitation area, or in the States set forth in Section 1394.7904 (b), or of any motor vehicle, in exhibitions or races for public entertainment or prizes.

SECTION 1394.8164. Restriction on Use of Rations or Gasoline for Sightseeing Purposes.—No Supplemental, Official or Fleet ration, or ration issued pursuant to Section 1394.7757, shall be issued or used, and no gasoline shall be used or knowingly transferred for use, for the operation of any motor vehicle, under charter or otherwise, for sightseeing purposes.

SECTION 1394.8165 Display of Stickers.—No person may use a Class A, B, C, T-1 or T-2 coupon book, other than one representing a Special ration, issued for a registered or commercial motor vehicle unless a sticker identifying the class of ration issued for use with such vehicle, in such form as may be prescribed by the Office of Price Administration, is affixed to and conspicuously displayed on such vehicle. Such sticker shall be displayed on such vehicle at all times, but the display of such sticker shall be in accordance with the laws of the State in which such vehicle is operated. A person to whom any ration in addition to a Class A ration has been issued shall display only the sticker identifying such additional ration.

SECTION 1394.8166 Restrictions on Blending of Gasoline.—No person other than a licensed distributor or a consumer shall blend, dilute, or otherwise mix gasoline with any other liquid or combustible, and no person shall knowingly transfer or accept a transfer of gasoline blended, diluted, or mixed in violation of this section.

SECTION 1394.8167 Restrictions on Consumption of Gasoline.—(a) Except as provided in Section 1394.8157, no person shall consume gasoline unless such gasoline was acquired by him or on his behalf in exchange for valid coupons or other valid evidences authorizing a transfer to a consumer: *Provided, That:*

(1) Any consumer may use for non-highway purposes (other than non-occupational boat operations in the limitation area and in the States set forth in Section 1394.7904) gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942.

(2) Any consumer may use gasoline owned by him and in his possession within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942, for the operation of a registered or commercial motor vehicle, or for non-occupational boat operation in the limitation area and in the States set forth in Section 1394.7904 (b) if, at the time of transfer of such gasoline into the fuel tank of such vehicle or boat, he destroys currently valid coupons issued therefor equal in value to the number of gallons of gasoline so transferred: *Provided*, That, gasoline placed in the fuel supply tank of such vehicle or boat within the limitation area prior to August 22, 1942, or without the limitation area prior to November 22, 1942, may be used therein without restriction.

(b) The provisions of this section shall not be applicable to the consumption of gasoline by the Army, Navy, Marine Corps, Coast Guard or Maritime Commission or the War Shipping Administration of the United States.

SECTION 1394.8168 Transfers from Fuel Tank to Fuel Tank of Vehicles and Boats Forbidden.—No gasoline contained in the fuel tank of any motor vehicle, inboard motorboat, outboard motor or non-highway equipment shall be transferred therefrom to the fuel tank of any registered or commercial motor vehicle, or of any inboard motorboat or outboard motor operated for nonoccupational purposes in the limitation area or in the States set forth in Section 1394.7904 (b).

SECTION 1394.8169 Discrimination by Dealers and Distributors.—(a) On and after November 22, 1942, no distributor shall discriminate in the transfer of gasoline among distributors or dealers lawfully entitled to acquire gasoline under Ration Order No. 5C. Any refusal on the part of a distributor to transfer gasoline to a distributor or dealer to whom he has made a transfer on or subsequent to May 15, 1942, shall be *prima facie* evidence of a discrimination: *Provided*, That nothing herein shall be construed to require a transfer of gasoline which would result in a violation of any statute enacted or contract made to protect a trade-mark or trade name; nor a transfer to any dealer or distributor of an amount of gasoline in excess of that permitted by any regulation or order of any Department or agency of the United States.

(b) On and after November 22, 1942, no dealer or distributor shall discriminate, in the transfer of gasoline, among any consumers lawfully entitled to acquire gasoline under the provisions of Ration Order No. 5C.

SECTION 1394.8170 Mileage Limitation.—No passenger automobile shall be operated in excess of mileage which can be obtained in the vehicle on the basis of the ration issued for use with such vehicle.

SECTION 1394.8171 Limitation on Speed.—(a) No person shall use or permit the use of gasoline in the operation of a motor vehicle at any rate of speed in excess of thirty-five (35) miles per hour.

(b) This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the State military forces organized pursuant to Section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health or public safety.

SECTION 1394.8172 Tire Certification, Inspection and Surrender of Excess Tires.—After December 12, 1942, no person shall use or permit the use of gasoline in a passenger automobile or motorcycle for which a Basic, Supplemental, Fleet or Official Ration, or a ration pursuant to the provisions of Section 1394.1309 of Ration Order No. 5A or Section 1394.7757 of Ration Order No. 5C has been issued, unless a certification of passenger-type tires has been filed under Section 1394.8009 of Ration Order No. 5C, nor unless a Tire Inspection Record has been issued and is currently maintained as required by the Office of Price Administration; nor may gasoline be used on and after November 22, 1942, in any such passenger automobile or motorcycle, other than an official vehicle, if the registered owner (or, in the case of a ration issued pursuant to Section 1394.1309 of Ration Order No. 5A or Section 1394.7757 of Ration Order No. 5C, if the owner) of such vehicle owns passenger type tires other than tires reported on OPA Form R-17 or R-17 Revised or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment. On and after November 22, 1942, no person shall use or permit the use of gasoline in a motor vehicle for which a Basic ration has been issued, if any person living in the household of the registered owner and related to such owner by blood, marriage or adoption owns passenger type tires other than tires reported on OPA Form R-17 or R-17 Revised, or tires reported by a manufacturer to the War Production Board, or tires mounted (including one spare per motor vehicle) on motor vehicles or equipment.

SECTION 1394.8173 Use in Violation of Ration Order 1A.—No person shall use gasoline for the operation of any motor vehicle which results in use of tires in violation of Ration Order No. 1A.

SECTION 1394.8174 Tires Unlawfully Acquired.—No person shall use gasoline for the operation of any motor vehicle which results in use of any tire or tube acquired in violation of Ration Order No. 1A.

SECTION 1394.8175 Abuse or Neglect of Tires.—No person shall use gasoline in a motor vehicle in such a manner as to result in abuse or neglect of any tire or tube. Driving of a motor vehicle beyond the point where tires are recappable may be found to be abuse within the meaning of this section.

SECTION 1394.8176 Offers, Solicitations, Attempts, or Agreements.—No person shall solicit, offer, attempt, or agree to do any act in violation of Ration Order No. 5C.

SECTION 1394.8177 Rations not Transferable.—(a) No person shall transfer or assign any ration, and no person shall accept such transfer or assignment.

(b) No person shall transfer or assign and no person shall accept a transfer or assignment of any coupon book or any bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except in accordance with the provisions of Ration Order No. 5C.

(c) No person shall have in his possession any coupon book or bulk, inventory or other coupon (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence, except the person, or the agent of the person, to whom such book, coupon, or certificate was issued or by whom it was acquired in accordance with the provisions of Ration Order No. 5C.

(d) Notwithstanding the provisions of this section, a ration, other than a Special Ration, may be used by anyone entitled to use the vehicle, boat or equipment for which it was issued, if such use is for a purpose for which such ration may be obtained and so long as there is no change in ownership of such vehicle, boat or equipment.

(e) The provisions of paragraphs (a), (b), and (c) of this section shall not be applicable to public officials acting in the performance of their official duties.

SECTION 1394.8178 Mutilation, Destruction, or Counterfeiting of Coupon Books or Certificates.—(a) No person other than a person authorized pursuant to Ration Order No. 5C shall deface, mutilate, alter, burn or otherwise destroy any coupon book or bulk, inventory or other coupons (whether or not such book was issued as a ration book and whether or not such coupon was issued as a ration or as part of a ration book) or other evidence.

(b) No person shall counterfeit or forge any coupon book, or bulk, inventory, or other coupon, or any other evidence.

(c) No person shall transfer, receive a transfer of, possess, or use any forged, altered, or counterfeited coupon book or bulk, inventory or other coupon or other evidence.

(d) Any defacement, mutilation or alteration of a coupon or ration book in violation of any provision of this section shall render such coupon or book and the coupons therein, invalid. The detachment of any coupon from a ration book, except in accordance with the provisions of Section 1394.8153, shall render such coupon invalid.

(e) The provisions of paragraphs (a), (c), and (d) of this section shall not be applicable to public officials acting in the performance of their official duties.

SECTION 1394.8179 Compliance with O. D. T. Orders.—No person owning or controlling any motor vehicle shall use or permit the use of gasoline therein for operations in violation of any order, rule or regulation issued by the Office of Defense Transportation.

SECTION 1394.8180. Applicability of Order to Rations Issued under Ration Order No. 5A.—All rations issued pursuant to Ration Order No. 5A, which remain in effect beyond November 21, 1942, shall be subject to the same restrictions, prohibitions, and conditions of use as though they were issued pursuant to Ration Order No. 5C.

SECTION 1394.8181 False Statements.—No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 5C, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading. Any Board discovering such an untrue statement of fact, or any such omission to state any such fact shall report it and transmit the evidence thereof, to the State Director or District Manager for appropriate action, whether or not such Board has proceeded with respect thereto under the provisions of Section 1394.8105.

REPLENISHMENT AND AUDIT

REGISTRATION OF PLACE OF BUSINESS

SECTION 1394.8201 Registration of Inventory and Capacity.—

(a) Every dealer and intermediate distributor shall take a physical inventory of his total gasoline supplies on hand as of 12:01 a. m., November 22, 1942, and shall, on November 23 or 24, 1942, register (on Form OPA R-545) with the Board having jurisdiction of the area in which such a place of business is located, at the hours provided

by the Board, the following matters, together with such other information as may be required:

(1) His name, firm name, business address and type of business.

(2) His total gasoline storage capacity.

(3) His total inventory of gasoline on hand as of 12:01 a. m., November 22, 1942.

(4) A certification as to the truth of each of the foregoing items of information.

(b) Separate registration shall be made by such dealer or intermediate distributor for each place of business operated by him at which gasoline is transferred, and shall be made at each respective Board having jurisdiction of the area in which each such place of business is located.

(c) Every licensed distributor who operates a place of business at which functions corresponding to those of a dealer or intermediate distributor are performed, and which, under the terms of Section 1394.7551 (a) (17), is deemed to be a part of his facilities as a licensed distributor, and every person who receives gasoline from a licensed distributor on consignment for purposes of sale, shall register each such place of business (on Form OPA R-545) on November 23 and 24, 1942, with the Board having jurisdiction of the area in which each such place of business is located: *Provided*, That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a licensed distributor or by a consignee, and a certification as to the truth of this information.

(d) Notwithstanding the provisions of paragraph (a), (b) and (c) of this section, no dealer or distributor whose place of business has been registered with a Board pursuant to the provisions of Ration Order No. 5A shall, except as provided in Sections 1394.8220, 1394.8224, 1394.8225 and 1394.8226, again register such place of business or receive inventory coupons representing the unfilled gasoline storage capacity of such place of business: *Provided*, That any licensed distributor who registered, pursuant to the provisions of Ration Order No. 5A, facilities which, under the terms of Section 1394.7551 (a) (17), are deemed for purposes of Ration Order No. 5C to be a part of his facilities as a licensed distributor, and received inventory coupons for the unfilled gasoline storage capacity of such facilities, shall reregister such facilities on November 23 or 24, 1942 as licensed distributor facilities, and surrender to the Board for cancellation inventory coupons or other evidences equal in gallon-

age value to the coupons originally issued to represent his unfilled gasoline storage capacity.

SECTION 1394.8202 What Constitutes Gasoline On Hand.—The registrant shall register all gasoline on hand, whether in storage tanks, tank trucks, tank cars delivered to railroad sidings, drums, or other containers, except gasoline in the fuel tank of a motor vehicle. The registrant shall not register gasoline in transit which did not arrive at his place of business prior to 12:01 a. m., November 22, 1942. Gasoline shipped to a dealer or intermediate distributor prior to November 22, 1942, but received by him at any time after November 21, 1942, shall be deemed to be gasoline transferred to him subsequent to November 21, 1942, and shall require an exchange therefor of coupons or other evidences in the manner provided in Sections 1394.8207 and 1394.8209.

SECTION 1394.8203 What Constitutes Gasoline Storage Capacity.—The registrant shall register the total capacity of all immobile gasoline storage facilities, but not the capacity of tank trucks, tank wagons, drums or other movable containers: *Provided, however,* That a dealer or intermediate distributor who maintains no stationary gasoline storage tanks shall register the total capacity of all his delivery facilities.

SECTION 1394.8204 Issuance of Registration Certificates.—The Board, on determining that the information submitted by the registrant is correct, and that the registrant is in fact engaged in business as a dealer or distributor, shall by authorized signature approve the certificate, file Part B thereof, and return Part A of the certificate to the registrant, who shall retain it as a certificate of registration at the place of business to which it applies, and shall present it as an identification at the time of transacting business with any Board.

SECTION 1394.8205 Issuance of Inventory Coupons.—(a) The Board shall, at the time of its approval of the registration certificate of a dealer or intermediate distributor, issue to the registrant inventory coupons in an amount equal to the number of gallons, if any, by which the total gasoline storage capacity for each place of business exceeds the total inventory of gasoline on hand. A one-hundred gallon inventory coupon or a quantity of Class A coupons may at any time subsequent to registration be exchanged at any Board by a dealer or intermediate distributor for an equivalent amount of one-gallon inventory coupons.

(b) In any case in which the total inventory of gasoline on hand exceeds the total gasoline storage capacity of the registrant's place of business, the Board shall require the registrant to surrender for cancellation, and the registrant shall so surrender, at the

earliest possible moment thereafter, consumer coupons or other evidences equal in gallonage value to the amount of gasoline by which his inventory of gasoline on hand as of 12:01 a. m., November 22, 1942 exceeds his total gasoline storage capacity.

SECTION 1394.8206 Restriction on Use of Inventory Coupons.—

(a) Every dealer and intermediate distributor shall retain all inventory coupons issued to him at the place of business for which they were issued, and shall not exchange his inventory coupons except to the extent that any delivery exceeds the amount of consumer coupons or other evidences available for exchange: *Provided, however,* That one-gallon inventory coupons may be used to make up the difference between the number of gallons in any delivery and the number of gallons represented by the nearest composable sum of the values of consumer coupons or other evidences.

(b) Every dealer and intermediate distributor shall clearly write in ink on the reverse side of each inventory coupon issued to him, the name and address of his establishment as shown on his Certificate of Registration, and no inventory coupon shall be used in exchange for gasoline, and no gasoline may be transferred in exchange for inventory coupons, unless such notations appear on such coupons.

RESTRICTIONS ON TRANSFERS BETWEEN DEALERS AND DISTRIBUTORS

SECTION 1394.8207 Restriction on Transfers.—Except as provided in Section 1394.8209, no dealer or distributor shall transfer or offer to transfer gasoline to any other dealer or distributor and no dealer or distributor shall receive a transfer of gasoline, except in exchange for a quantity of coupons or other evidences, at the time of the actual delivery of the gasoline or in advance thereof, equal in gallonage value to the amount of the gasoline so transferred, or, in cases in which gasoline is regularly transferred to him on a temperature adjustment basis, equal in gallonage value to the adjusted quantity of gasoline so transferred: *Provided, however,* That coupons or other evidences need not be exchanged for a transfer of gasoline between licensed distributors unless in the course of transit between such licensed distributors the gasoline is delivered to a dealer or intermediate distributor for redelivery to the transferee: *Provided further,* That transfers of gasoline may be made only in exchange for coupons bearing the notations required by paragraphs (d) and (e) of Section 1394.8004 and paragraph (b) of Section 1394.8206.

SECTION 1394.8208 Same: Other Applicable Provisions.—Nothing in Ration Order No. 5C shall be construed to authorize any trans-

fer of gasoline which would be in contravention of any regulation or order of any Department or agency of the United States.

SECTION 1394.8209 Absentee Deliveries: Third Party Deliveries.—Where a distributor elects to make delivery of gasoline during hours when the transferee is not open for business, the transferee shall, where the exact amount of delivery is known in advance, mail or deliver in advance to the distributor, or, at the discretion of the distributor, within twenty-four (24) hours of delivery, coupons or other evidences equal in gallonage value to the amount, or adjusted amount, of the delivery. Where delivery of gasoline to a dealer or intermediate distributor is made by common or contract carrier or by pipeline, or where the billing for gasoline transferred is not received by the transferee at the same time as or prior to receipt of the transfer by him, the transferee shall, where the exact amount of the delivery is known in advance, mail or deliver in advance to his distributor coupons or other evidences equal in gallonage value to the amount, or adjusted amount, of the delivery, or may, at the discretion of the transferor, forward to the transferor within five (5) days after receipt of such delivery an amount of coupons or other evidences equal in gallonage value to the number, or adjusted number, of gallons so delivered.

SECTION 1394.8210 Upstream Transfers.—(a) Any distributor who receives a transfer or return of gasoline from a dealer or intermediate distributor, other than in connection with a transfer to him of the place of business of such dealer or intermediate distributor, shall deliver to such dealer or intermediate distributor a quantity of coupons or other evidences equal in gallonage value to the amount of gasoline so transferred or returned.

(b) Except as provided in paragraph (c) of this section, any dealer or distributor who receives a transfer or return of gasoline from a consumer, other than in connection with a transfer to him of the place of business of such consumer, shall deliver for cancellation to the Board having jurisdiction over the area in which the place of business of such dealer or distributor is located a quantity of coupons or other evidences equal in gallonage value to the quantity of gasoline so transferred or returned, together with a signed statement in duplicate setting forth the name and address of the consumer from whom the gasoline was acquired, and the quantity of gasoline so acquired. The Board shall retain the original of such statement in its files, and shall forward the duplicate thereof, through the State Director, to the Board having jurisdiction over the area in which such consumer is located, as shown on such statement. Any consumer who

transfers or returns gasoline to a dealer or distributor may, if the gasoline so transferred or returned represents all or part of a ration issued to such consumer, apply, on the appropriate form, to the Board for reissuance of such ration or part thereof. Such application shall contain a statement of the nature and quantity of the ration originally issued, the name and address of the dealer or distributor to whom gasoline was transferred or returned, the quantity of gasoline so transferred or returned, and a certification as to the truth of such statements. If the Board finds that the consumer transferred or returned to a dealer or distributor gasoline originally issued to the consumer as a ration, that such ration has not yet expired, and that the consumer still requires such ration, it shall issue to the consumer coupon books or coupons of the same type as the ration originally issued equal in gallonage value to the quantity of gasoline so transferred or returned. The Board, at the time of issuance of such coupon books or coupons shall, in addition to such other notations as may be required, note on the face of the coupon books issued, and on the application, the expiration date of the ration, which shall be the same expiration date as that applicable to the ration originally issued.

(c) If gasoline is transferred by a Military or Naval Post or Station to a facility such as a Post Exchange or Ships' Service Store for transfer to consumers for non-official use, and if such facility is a licensed distributor, such facility shall not surrender coupons or other evidences to a Board as required in paragraph (b) of this section, but shall merely attach coupons or other evidences acquired from consumers to its monthly State motor fuel tax report. If a Military or Naval Post or Station transfers gasoline directly to consumers such Post or Station shall execute a State motor fuel tax report in the manner required of licensed distributors, and shall attach thereto all coupons or other evidences acquired from consumers in exchange for such gasoline.

SECTION 1394.8211 Preservation of Coupons; Coupon Sheets.—Each dealer and distributor shall affix all coupons received by him to a Coupon Sheet (Form OPA R-120) in the manner directed thereon, prior to any transfer of such coupons. Separate coupon sheets shall be maintained for coupons of each separate type, only coupons of the same class and gallonage value being attached to any one such sheet.

SECTION 1394.8212 Preservation of Acknowledgments; Summaries of Acknowledgments.—Each dealer and distributor shall attach the Acknowledgments of Delivery delivered to him by authorized purchasers to a Summary of Coupons and Other Evidences

(Form OPA R-541), on which he shall enter in order for each such Acknowledgment the date of purchase, name of purchaser, and number of gallons sold.

SECTION 1394.8213 Summary of Coupons.—Each dealer and distributor shall, prior to every delivery by him of coupons or other evidences, except exchange certificates, to a transferor of gasoline, prepare in duplicate on Form OPA R-541 a Summary of Coupons and Other Evidences in the manner directed thereon, certifying the number of each type of coupon or other evidences to be delivered. The original of this summary shall be delivered to the transferor attached to the coupons and other evidences. The copy shall be retained by him at his place of business for a period of not less than one year. All such summaries received by a distributor upon his delivery of gasoline to a dealer or intermediate distributor shall be recapitulated in his own summary, one such summary equalling the total gallonage represented by all coupons and other evidences (less the gallonage represented by exchange certificates, except as provided in Section 1394.8214) forwarded by him. Summaries received by a distributor from dealers or intermediate distributors shall be included with the coupons and other evidences attached thereto when forwarded by him.

SECTION 1394.8214 Exchange of Coupons for Certificates.—A distributor may at any time deliver to a Board coupons or other evidences (including exchange certificates) and obtain in return an exchange certificate or certificates equal to the gallonage value of the valid coupons or other evidences remitted. The remitter shall attach to such coupons or other evidences a Summary of Coupons and Other Evidences on Form OPA R-541, on which such evidences shall be listed by type and value, in addition to the summaries already attached thereto by the dealer or distributor from which such coupons or other evidences were received. In any case in which a distributor desires to exchange one or more exchange certificates for a greater number of exchange certificates, or certificates of different value, he shall, in addition to the summary for the certificates to be exchanged, prepare and submit summaries showing the types and values of the evidences to be represented by the exchange certificates to be issued. The Board shall furnish him in return one or more Exchange Certificates (Form OPA R-548) equal in gallonage value to the total gallonage value of the coupons or other evidences remitted by him: *Provided, however,* That every licensed distributor shall segregate all coupons or other evidences remitted by him according to the States to which are due the State motor fuel taxes on his own transfers which such coupons or other

evidences represent, shall prepare a separate Summary of Coupons and Other Evidences for each such State, and shall receive from the Board a separate exchange certificate for each such State. The Board shall on request furnish more than one such certificate for transfers within any given State, each representing any fraction of the total gallonage value remitted for such State, so long as the sum of all such certificates equal the total gallonage value of the coupons or other evidences remitted. Exchange certificates shall be prepared in duplicate by the Board and shall be signed both by the distributor and by an authorized member or agent of the Board. The Board shall retain for its files the duplicate copy of each exchange certificate issued by it.

SECTION 1394.8215 Transfer and Surrender of Expired Coupons.—(a) No dealer shall accept from a consumer in exchange for a transfer of gasoline any Class S ration coupon issued pursuant to Ration Order No. 5A, or any Class A coupon the period of validity of which, as shown on the face thereof, has expired: and no such coupon shall be an evidence of any gallonage value, except on coupon sheets to which it has been attached prior, in the case of Class S coupons, to November 22, 1942, or in the case of Class A coupons, to the expiration of its period of validity.

(b) Every dealer or distributor who has in his possession or control any Class S ration coupons on or after November 22, 1942, or any Class A ration coupons the valid period of which has elapsed, shall dispose of such coupons in preference to others in his possession or control, when exchanging coupons for transfers of gasoline or for exchange certificates, or when otherwise disposing of coupons pursuant to the terms of Ration Order No. 5C.

(c) On and after December 2, 1942, but not later than December 7, 1942, in the case of Class S ration coupons, and on and after ten (10) days but not later than fifteen (15) days after the expiration dates of Class A ration coupons, each dealer or distributor who has in his possession or control Class S or expired Class A ration coupons shall surrender such coupons to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to a distributor in exchange for such coupons one or more exchange certificates, in accordance with the provisions of Section 1394.8214. The Board shall issue to a dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After December 7, 1942, in the case of Class S ration coupons, and after fifteen (15) days from the expiration date of any Class A ration coupon, such coupons are void, and no gasoline may be transferred in exchange therefor, and no exchange certificate, inventory coupons,

or other evidence may be issued to a dealer or distributor in exchange for Class S or expired Class A ration coupons.

SECTION 1394.8216 Certification of Shortage.—Dealers and intermediate distributors shall be permitted from time to time to apply by certification (on Form OPA R-549) for replenishment for losses of gasoline through evaporation, handling, accident, or other extraordinary circumstance, and for unavoidable loss of coupons or other evidences. The certification of shortage shall be submitted to the Board having jurisdiction of the area in which such dealer or intermediate distributor has the place of business to which the shortage is to be attributed, and shall show the nature and quantity of such shortage with a full explanation of the reasons therefor. If, on consideration of the certification presented and of such other facts as it may require of the applicant, the Board finds that the applicant has incurred the shortages claimed, that such shortages were not incurred as a result of any acts performed in violation of Ration Order No. 5A or 5C, and that any claimed shortage of gasoline is reasonable, the Board shall file the certification and issue to the applicant a quantity of inventory coupons equal to the amount of the proven shortage. A copy of the certification may be retained by the dealer or intermediate distributor for his records.

RECORDS AND AUDITS

SECTION 1394.8217 Records To Be Kept by Dealers and Intermediate Distributors.—At the time of making any delivery of gasoline to any dealer or intermediate distributor, every distributor shall furnish to such dealer or intermediate distributor an invoice, delivery ticket, or other customary evidence of transfer, showing the name and address of the transferee and the date and quantity of the transfer; and every such transferee shall retain at his place of business for a period of at least one year from the date of his receipt of such gasoline the invoice, delivery ticket, or other evidence so furnished him.

SECTION 1394.8218. Reports by Licensed Distributors.—(a) Every licensed distributor shall prepare an additional copy of each of his monthly State motor fuel tax reports (and supporting schedules), which he shall submit to the State motor fuel tax administration at the time and in the manner required by such administration for the usual monthly report, and shall attach to such copy a single exchange certificate, except as provided in paragraph (c) of Section 1394.8210, in an amount equal to the total gallonage value of coupons or other evidences for which he is required to account for the period for which such return is made. Gasoline which has been shipped and billed in

exact amount to a transferee during a calendar month, and which is included by the licensed distributor in the State motor fuel tax report for such month, shall be treated both by the transferor and transferee as gasoline transferred during such month, even though actual receipt of such gasoline by the transferee may take place during the following calendar month.

(b) The licensed distributor shall also prepare in triplicate a Reconciliation Statement (Form OPA R-550), reconciling the difference between the gallonage value of the exchange certificate so submitted and the total gallonage disposed of by him as reported by the tax return. He shall attach the original and one copy of the reconciliation form to the additional copy of his tax report, and shall retain the other copy of the reconciliation form at his place of business for a period of not less than one year; *Provided, however,* That, where special hardship results from the necessity of submitting the reconciliation form at the time that the State motor fuel tax report is due, application may be made, showing all relevant facts, to the Office of Price Administration, Washington, D. C., for leave to defer, for a period of not more than ten (10) days, the submission of the additional copy of his motor fuel tax report, the attached certificate, and the reconciliation form.

(c) Any licensed distributor who is not required by the State to which he is required to account for State motor fuel taxes to include his monthly opening and closing gasoline inventories in his motor fuel tax return shall take a physical inventory of his gasoline on hand at the beginning or ending of each month, and shall include in such inventory all gasoline in transit and billed to him. Such distributor, in addition to other information which may be required, shall include such monthly opening and closing gasoline inventories on the reconciliation form prepared by him.

(d) Licensed distributors required to make reports pursuant to Ration Order No. 5A for the month of November, 1942, shall make one combined report for such month including all transactions during such month covered by Ration Order No. 5A and Ration Order No. 5C. Licensed distributors not required to make reports pursuant to Ration Order No. 5A shall not make a separate report under Ration Order No. 5C for the month of November, 1942, but shall include all transactions from November 22 through November 30, 1942 in their report for the month of December, 1942, in accordance with the provisions of this section.

SECTION 1394.8219 Audit by State Motor Fuel Tax Administration.—On completion of its usual office audit of a licensed dis-

tributor's monthly motor fuel tax report, each State motor fuel tax administration will by authorized signature either verify or note errors on the additional copy of the tax report received by it, will inspect the reconciliation form and attached exchange certificate in order to determine whether there are any apparent irregularities, and will retain the copy of the reconciliation form for its own files. It will, within the the shortest possible time, forward the additional copy of the tax return, the attached certificates or other evidences, and the original of the reconciliation form and supporting statements, to the Control and Audit Unit, Gasoline Rationing Branch, Office of Price Administration, Washington, D. C. In the event of discovery of any error, discrepancy, misrepresentation or other irregularity in the monthly report by later inspection or audits, the motor fuel tax administration will notify the Control and Audit Unit of all the facts relating to any such irregularity.

NEW REGISTRATIONS

SECTION 1394.8220 Registration of New or Reopened Place of Business.—Any dealer or distributor who opens or reopens a place of business not currently registered by such dealer or distributor under the provisions of Section 1394.8201, shall, prior to receipt or transfer of any gasoline at such place of business, register such place of business in the manner provided in Section 1394.8201, and shall be issued, if not a licensed distributor, inventory coupons equal in gallonage value to the total capacity of his unfilled gasoline storage facilities as of the time of registration.

SECTION 1394.8221 Cessation of Business.—Any dealer or intermediate distributor who ceases to operate as such, disposes of his stocks of gasoline, and closes his place of business without transferring it to another for continued operation, shall, at the time of final closing, deliver to the Board having jurisdiction of the area in which his place of business is located the certificate of registration of such place of business and a quantity of coupons or other evidences equal in gallonage value to the total capacity of the gasoline storage facilities of such place of business.

SECTION 1394.8222 Acquisition of Place of Business From Licensed Distributor.—Any person acquiring a place of business from a licensed distributor for continued operation for the transfer of gasoline may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall obtain from such licensed distributor, and such distributor shall furnish, the certificate of registration, if any, for such place of business. The transferee

shall, immediately after the transfer, deliver such certificate to the Board having jurisdiction of the area in which such place of business is located, and shall endorse such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the transferee that he has acquired the place of business described in such certificate and the total quantity of gasoline on hand at such place of business as of the time of transfer. The transferee shall then register as of the time of acquisition of such place of business in the manner provided in Sections 1394.8201 to 1394.8205, inclusive, at the Board having jurisdiction of the area in which such place of business is located, prior to receipt or transfer of any gasoline at such place of business.

SECTION 1394.8223 Acquisition of Dealer's or Intermediate Distributor's Place of Business.—Any person who acquires for continued operation for the transfer of gasoline a place of business from a dealer or intermediate distributor may accept a transfer of all gasoline on hand at such place of business. The transferee of such place of business shall, at the time of acquisition, obtain from such dealer or intermediate distributor, and such dealer or intermediate distributor shall furnish, the certificate of registration of such place of business and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity as of the time of transfer of such place of business. The transferee of such place of business shall, immediately after the transfer, deliver to the Board having jurisdiction of the area in which the place of business is located, the certificate of registration so delivered, and, if the transferee is a licensed distributor, shall also deliver at such time the coupons or other evidences acquired by him from such dealer or intermediate distributor, and shall endorse such certificate of registration and the duplicate thereof on file with the Board. Such endorsement shall constitute a certification by the distributor that he has acquired from the transferor of such place of business the place of business described in such certificate, the total quantity of gasoline on hand at such place of business, and coupons or other evidences equal in gallonage value to the unfilled gasoline storage capacity of such place of business as of the time of transfer. The place of business so acquired shall be registered by the transferee in accordance with the provisions of Sections 1394.8201 to 1394.8205, inclusive, as of the time of acquisition thereof.

SECTION 1394.8224 Surrender or Revocation of License of Licensed Distributor.—Any licensed distributor who ceases to do business as such, although continuing in the business of transferring gasoline, shall, on the day on which he ceases to do business as a licensed

distributor, register as a dealer or intermediate distributor, as the case may be, in the manner provided by Sections 1394.8201 to 1394.8205, inclusive, each of his places of business which has not already been so registered, certifying to the Board the total gasoline storage capacity of and the quantity of gasoline on hand at each such place of business as of the date on which he ceased to do business as a licensed distributor.

SECTION 1394.8225 Newly Licensed Distributor.—Any dealer or intermediate distributor who becomes a licensed distributor shall forthwith deliver to the Board having jurisdiction of the area in which such place of business is located the certificate of registration as a dealer or intermediate distributor of such place of business, and coupons or other evidences equal in gallonage value to the total unfilled capacity of the gasoline storage facilities of such place of business as of the date on which he commenced operations as a licensed distributor, and shall register as a licensed distributor in accordance with the provisions of paragraph (c) of Section 1394.8201.

SECTION 1394.8226 Change of Storage Capacity.—Any dealer or intermediate distributor in any manner altering the total gasoline storage capacity of his place of business shall deliver for cancellation to the Board having jurisdiction of the area in which such place of business is located, his currently valid certificate of registration, and shall register for and obtain a new certificate of registration in the manner provided by Sections 1394.8201 to 1394.8204, inclusive. The Board shall attach to its copy of the new certificate the original and copy of the cancelled certificate. If the total gasoline storage capacity of the place of business is decreased, the dealer or intermediate distributor shall surrender to the Board a quantity of coupons or other evidences equal in gallonage value to the amount of such decrease. If the total gasoline storage capacity of such place of business is increased, the Board shall issue to the dealer or intermediate distributor a quantity of inventory coupons equal in gallonage value to the amount of such increase.

INSPECTIONS

SECTION 1394.8227 Inspection of Records and Facilities.—All records, reports, forms, accounts, or other documents required by Ration Order No. 5A or Ration Order No. 5C to be prepared and kept by any person, and the gasoline facilities of any person, shall be subject to the inspection of the Office of Price Administration and its employees, by the employees of any State motor fuel tax administration, and by such other personnel as the Office of Price Administration may designate. Such inspection may be made at the place

of business of any such person during regular business hours, or, in the case of matters prepared on forms of the Office of Price Administration, at any time and place designated by the Office of Price Administration.

ADJUSTMENTS AND APPEALS

SECTION 1394.8251 Adjustments of Errors Made by Registrars.—(a) Any person who claims that a Registrar improperly refused to issue a Basic ration book or made an error in issuing a Basic ration book on the basis of his application, may apply to a Board, orally or in writing, for an adjustment of such error. Any person who claims that a Basic ration book was denied or was incorrectly issued to him by a Registrar, by reason of an error in his application, may make a new application, to a Board, for a Basic ration book. Application pursuant to this paragraph shall be made to the Board having jurisdiction over the area in which such original application was made, or in which the motor vehicle for which the application was made is customarily garaged or stationed.

(b) The Board shall obtain and examine the original application, or, if such original application cannot expeditiously be found, it shall require the applicant to prepare a duplicate of such application and to certify that it is an exact duplicate thereof. If the Board finds that an error was made, by the applicant or by the Registrar, it shall issue a Basic ration book, or correct the book issued by the Registrar, or issue a new book in place of the one issued by the Registrar, or take such other action in accordance with the provisions of Ration Order No. 5C, as may be necessary to correct the error. The Board shall, if it replaces a book, remove from the book issued by it coupons having a unit value equal, as nearly as possible, to the value in gallons of the coupons found to be detached from the book to be replaced.

SECTION 1394.8252 Appeals from Decisions of Boards.—Any person may appeal from an adverse decision of a Board. Except as provided in Section 1394.8105, such appeals shall be taken only in accordance with the provisions of Procedural Regulation No. 9 issued by the Office of Price Administration.

ENFORCEMENT

SECTION 1394.8301 Criminal Prosecutions.—(a) Any person who knowingly falsifies an application, or any other record, report, or certificate made pursuant to or required by the terms of Ration Order No. 5C or who otherwise knowingly furnishes false information to any Board or any other agent, employee or officer of the Office of Price Administration or falsifies or who conceals or covers up a mate-

rial fact, by any trick, scheme or device, or who makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than \$10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 5C may upon conviction be fined not more than \$10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 5C may upon conviction be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SECTION 1394.8302 Suspension Orders.—Any person who violates this Ration Order No. 5C may, by administrative suspension order, be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any gasoline or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

EFFECTIVE DATES

SECTION 1394.8351 Effective Dates.—(a) Ration Order No. 5C shall become effective on November 9, 1942 except that the provisions of Sections 1394.8151 to 1394.8180, inclusive, and the provisions of Sections 1394.8201 to 1394.8227 inclusive, shall become effective November 22, 1942.

(b) On and after November 22, 1942, Ration Order No. 5C, Sections 1394.7501 to 1394.8351, inclusive, supersedes Ration Order No. 5A, 7 F. R. 5225, July 9, 1942, as amended: *Provided however*, That Ration Order No. 5A and all amendments thereto shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms thereof prior to November 22, 1942.

Issued this — day of October, 1942.

LEON HENDERSON, *Administrator*.

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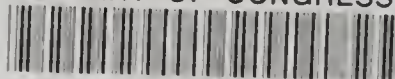
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